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Christian Critiques of

Jewish Law and Rabbinic Responses

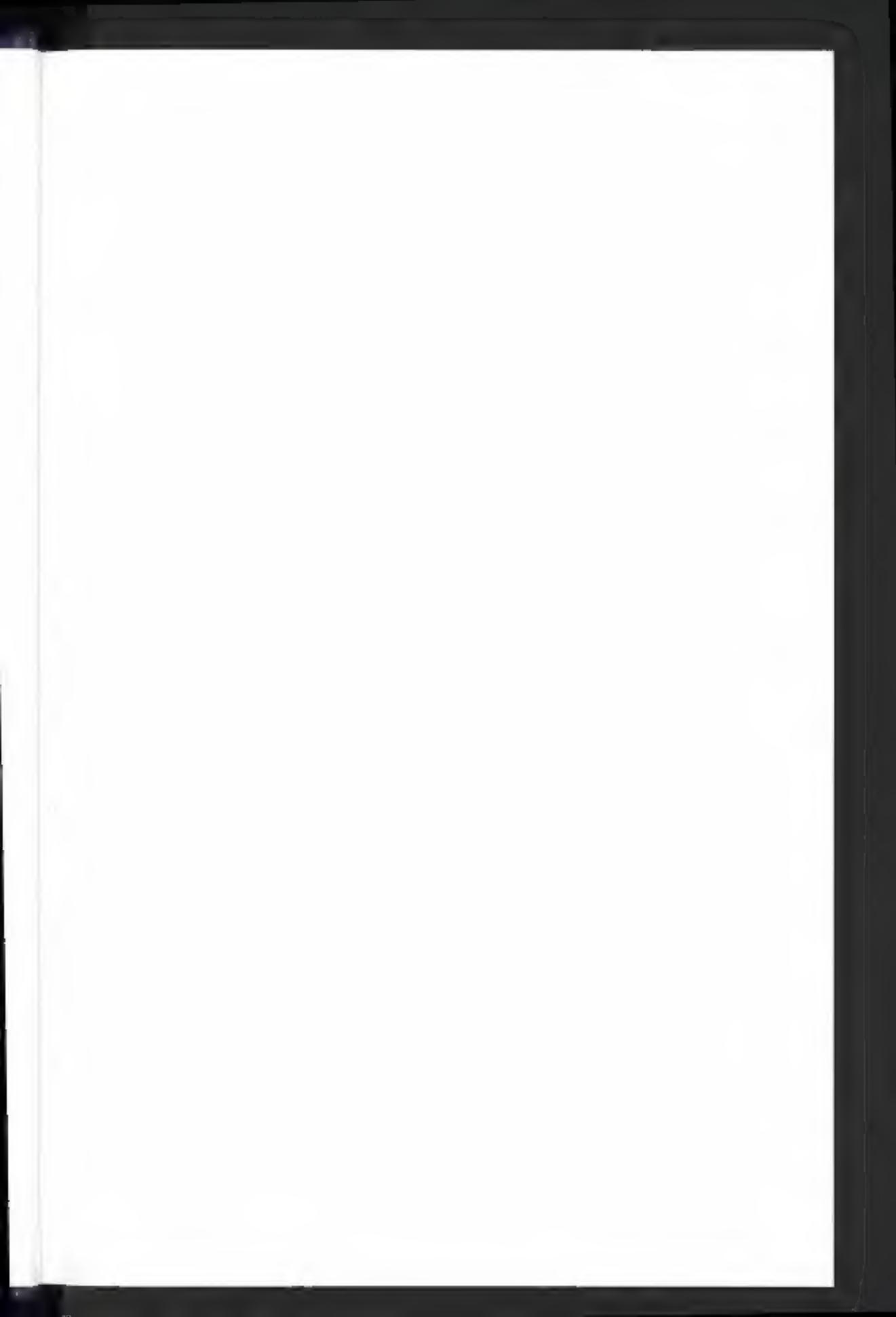
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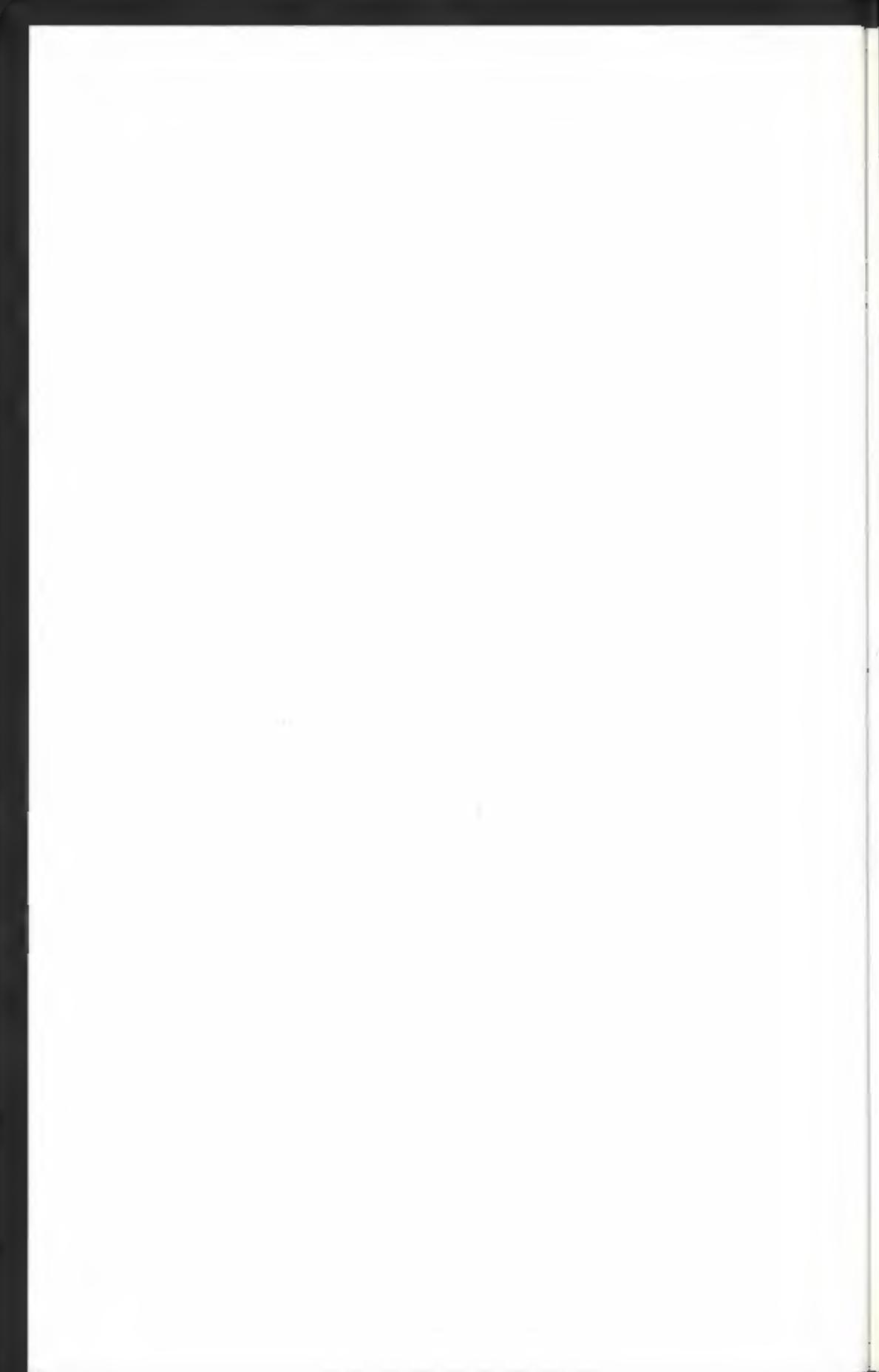
by Herbert W. Bassar

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STUDIES IN EXEGESIS

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VOLUME 2



STUDIES IN EXEGESIS

CHRISTIAN CRITIQUES OF JEWISH LAW AND
RABBINIC RESPONSES 70-300 C.E.

BY

HERBERT W. BASSER



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This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Bassar, Herbert W.

Studies in exegesis : Christian critiques of Jewish law and rabbinic responses, 70-300 C.E. / by Herbert W. Bassar.

p. cm. — [The Brill reference library of ancient Judaism, ISSN 1566-1237 ; vol. 2)

Includes bibliographical references and index.

ISBN 9004118489 (cloth : alk. paper)

1. Judaism—Controversial literature—History and criticism.
2. Judaism—Apologetic works—History and criticism. 3. Jesus Christ—Views on Jewish law. 4. Bible. N.T. Gospels—Criticism, interpretation, etc. 5. Judaism (Christian theology)—History of doctrines—Early church, ca. 30-600. 6. Rabbinical literature—History and criticism. I. Title.
II. Series.

BM585 .B39 2000

296.3'9609015—dc21

00-039802

CIP

Die Deutsche Bibliothek · CIP-Einheitsaufnahme

Bassar, Herbert W.

Studies in exegesis : Christian critiques of Jewish law and rabbinic responses 70 - 300 c.e. / by Herbert W. Bassar. — Leiden ; Boston ; Köln : Brill, 2000

[The Brill reference library of ancient Judaism ; Vol. 2)

ISBN 90-04-11848-9

ISSN 1566-1237

ISBN 90 04 11848 9

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PRINTED IN THE NETHERLANDS

Dedication

This book is dedicated to the memory of Sam and Annie Bensky who took care of me in my time of need.



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ACKNOWLEDGMENTS

Professor Don Akenson of Queen's University encouraged me to publish this book. The faculty of the Center for Jewish Studies at Harvard University offered invaluable suggestions in my initial attempt to organize the Greek and Hebrew materials used here in some systematic way. My colleague Professor William Morrow helped me decide on what researched materials to retain and what to discard in my first draft. My new friend and colleague, Professor Richard Ascough, annotated a draft of this work. Professor Jacob Neusner of the University of South Florida, as always, provided sage advice in seeing the work through its completion and facilitated its publication. My wife, Professor Reena Bassar of Queen's University, helped me rebuild my life and my family after a major tragedy so that I could continue my scholarly interests. She corrected my writing style and reworded many awkward passages to provide greater clarity. I thank Professor Harry Fox of the University of Toronto who published, with his comments (in his *Introducing Tosefta*, New York: KTAV, 1999), primitive versions of some of the ideas which have been expanded in the present work. I am indebted to participants of various conferences and various electronic lists who have afforded me opportunities over the years to present notions I have incorporated in this book. I want to offer my appreciation to the faculty of the Department of Religious Studies at Queen's University, particularly to Professor Robert Bater for encouraging my scholarly pursuits.



TO THE READER

I once read a story in Hebrew by a master story teller. In mystical fashion, the narrator tells of a Jewish youth trying to unify the world by standing naked in the river up to his neck surrounded by water: his feet on the earthy bottom, the wind caressing his face and the heat of the sun warming his head. And so he harmoniously joined the primordial elements of water and earth and air and fire. One day, he met an aged Pole in the woods who told him that while all things were possible one had to live optimistically. The youth then entered the river again in his daily rituals but was nearly drowned by the onset of torrential rains. Nature and optimism were not gods which could be trusted. His life had been a fools' paradise.

Eventually he saw a kind of new creation rising from these torrents. It was then Nisan, the first month of spring. The forest was not the same as it had been before the devastating flood. It was now dark and dank and ominous. Suddenly an escaped, Polish murderer (short and fat) confronted the young man on his return to the forest and eventually offered him a drink of whisky which the youth accepted. The young man, about to take some sips, dutifully recited the traditional Hebrew blessing of *shehakol*—“that **EVERYTHING** happens by the word of God.” The murderer asked for an explanation of these words and received it. He thought—maybe it is true that everything happens through God’s will. The Pole tried to commit the word to memory and repeated “*ishakol*” in his Polish accent. Before leaving he wanted the young man to swear that he would not tell anyone who he was.

A while later the young man watched the murderer being brought to the gallows in the city to be hanged. The young man refers to him as the *tatu* (the Hebrew word used by Jews to refer to Jesus, “the hanged one.”) The condemned man (the only character in the story given a name) refused the last rights of the priest and instead cried out “*ishakol*”. Some of the crowd tried to make sense of what he had said in some fashion or other. Only the young man realised the anti-hero of the story had died confessing his ultimate insight. He had meant *shehakol*: God’s justice is always active in the world and He alone is the true king. “Blessed are You, O King of the Universe—(for **EVERYTHING** *shehakol*) happens by His word.”

In the final scenes one will recognize various literary allusions, or anti-allusions, to certain events told in the Gospels about the last days of Jesus. In Nobel-prize laureate S. Y. Agnon's penetrating picture of the general confusion over the Pole's final utterance of "*tshakil'*" there is a curious rendition of Jesus' ambiguous cry from the cross. In the Gospel of Matthew (27:46), Jesus cried out and uttered some words from the Jewish Bible as he dies. The Gospel writer says that Jesus expressed doubts and quoted the Book of Psalms, "My God, my God, why have you forsaken me." But others claimed the words he uttered were really his own call to Elijah for the final redemption; Jesus had expressed no doubts about God's providence. The author shows us, not without a touch of irony, a reversed picture of the Gospel's Jesus figure: a Polish criminal. He died, unlike Matthew's Jesus, professing perfect faith in God's providence, quoting the rabbinic formula of certainty in God's justice, although some interpreted his words in other fashions.

So runs S. Y. Agnon's tale "In the City and in the Forest." This tale I think but cannot be certain, reveals Agnon's reading of two approaches to life. In one, natural law rules and one must remain optimistic in the world's basic goodness. The physical, earthy world is essentially a happy place with some exceptions to be sure. Humans cause their own grief. In the second, one seeks comfort through one's absolute faith in God's control of history in a dark and dismal world. To my mind, the story contrasts these two approaches and gives the impression of seeing the victory of the latter approach as the better theology. But that is only my impression.

Agnon weaves a tale, pertinent to Jewish thought, between two poles (Poles?); the mystically open-ended expressions of natural optimism on the one side which sometimes lead to disasters but often does not on the one hand and the precise certitude of ultimate justice on the other. In Christian thought the ambiguity in the cry of the Gospels' Jesus is answered by the certainty of the Pauline Jesus, a Jesus whose death was framed by Paul's certitude of his divine destiny. For Jews, Agnon tells his tale to pose the ultimate question whether the failure to produce a better world through optimism in natural law, the idol of humanism, is best answered through accepting upon one's self the firm belief in God's ultimate kingship. Or did the hanged man hit upon some final insight that the hero only mistook for an utterance of firm belief? The Jesus story served Agnon as a literary device upon which to hang his query.

My book is not much concerned with opposing theologies. We are concerned neither with religious debates over the notion of divine sonships nor with those over the idea of divine incarnations. We skip the story only in worry over the last lines. For me these lines seem to pose a very serious problem. When Christians interpret *tshakal* one way and Jews interpret "*tshakol*" another way can we resolve the issue? Is early Christianity simply Judaism in a foreign accent? Do we have evidence from the Jewish side concerning over which biblical verses Jews and Christians bickered in their interpretations? What did Jesus and Pharisees really argue about? Just as in Agnon's tale if we can unravel the last lines from his perspective we can figure out his tale, so dealing with the above questions from the Jewish perspective may help us unravel the overall ambiguity in our story of Christianity's early debates with Judaism.

My book goes behind the words of the Gospels and behind the words of the Rabbis to decipher the sources upon which both are based and so to make sense of the strange idioms we encounter in their words. Our major source for the Church traditions concerning putative friction between Jesus and his Jewish opponents is based on three synoptic Gospels which have many close parallels with each other: Mark, Luke and Matthew. While there is a consensus that Mark and Luke were not Jews, there is no such consensus concerning Matthew. However, all are agreed that Matthew's Gospel is the harshest towards the Jews, particularly the Pharisees and it may well be that in spite of his sixty or so citations from the Jewish Scriptures he was a gentile Christian. It is also assumed by most academic scholars today, but not all, that all the Gospels were written after the fall of the Jerusalem Temple in the year 70 C.E.. But that does not mean the Gospels did not use earlier sources. Whatever the real facts might be, our position here is to show that the strife between Jews and Christians developed after the death of Jesus and that the Gospels themselves seem to indicate that early Jesus traditions show us a teacher who had been well trained in pharisaic methods and could show he was obedient to them, not only in their own rules of tithing but in everything. It was only after his death that a revisionism set in that recast these traditions into bitter controversies showing a deep rift between Jesus and Pharisees, between Christian and Jews. That bitter controversy widened and increased with the passage of the centuries. One can only hope that the dawn of the new

millennium, when these words are being set down, will usher in a new understanding of the chasm separating Jew and Christian.

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Queen's University
Kingston, Canada
January 1, 2000 C.E.

INTRODUCTION

The sages of Israel handed down, through what they conceived to be divine assistance, the definitive deposition of God's eternal will. Their followers understood that those Jews who heeded the sages' words were assured of the divine providence that was Israel's only security while those who reviled their words would be severed from Israel's destiny for ever. What the Rabbis said about their enemies has been preserved, although sparsely, in the Talmuds and related documents for the purpose of keeping Jews faithful to the law and lore as taught by their own holy teachers. What Christians said about Jews has been preserved generally in Christian writings to justify the Christian view of salvation as opposed to that of the sages of Israel. For the Jew, the sages were saints and holy people of the highest order. For the Christian, the Jewish sage represented a blind leader who could not be swayed to exchange lies for truth. But that did not stop the Christian from trying to persuade him. There are literally hundreds of volumes attesting to the Christian stake in this debate; yet, there is nothing comparable in volume on the Jewish side of the debate in its early years. The Christian was mostly angered by the stubborn Jewish rejection of Jesus as the redeeming Christ and the Jew was mostly angered by the rabid Christian rejection of the sages' Torah as the means to God's righteousness. While the Christian side of things is everywhere clearly outspoken in Christian writings,¹ the Jewish response has to be dredged up from Jewish texts that rarely reveal their original intentions. Like broken pottery pieces, whether scrapped by external forces such as Christian censors or whether lost by internal forces such as poor copying, the remnants of inter-religious debates lie in ruins awaiting reconstruction. Most cases require a subtle argument to show that

¹ While it is clear that Jews did persecute Christians, at least Jewish ones who publicly flaunted certain Jewish laws, the extent of this persecution is unknown. Justin Martyr claims that Jews killed Christians but it is difficult to ascertain if he meant there was an official policy to this effect or exaggerated isolated mob actions. On the other hand Acts refers to policies of flogging and stoning but here again the extent cannot be ascertained. Jewish sources refer to policies such as praying for the downfall of certain groups, censoring certain books but there is no sanction for violence. It is difficult to identify the targets of such legislation and we can only speculate on them.

we have located a rejoinder to some Christian view. The reader of the present studies will be left to evaluate whether or not the text really says what is claimed for it.

This book was written to illuminate the Jewish side of its very early debate with Christianity by taking a fresh look at what Jewish sages saw as their issues in what was at stake. Most of the modern books on the subject of debates focus on the Christian issues. These works rest on solid ground since there is no shortage of testimony to the Christian issues. These authors have discerned the threat Christianity posed to Judaism's political balance in the Roman world, its own internal communal discipline and liturgical structures. They have not thoroughly examined the subversive nature of Christian exegetical polemics and the sharp Jewish responses.² The present work, unlike the others, is not grounded on certainties and requires that talmudic passages be subjected to separate, painstaking, exegetical studies. The battles which form the subject matter of this volume were fought on the field of biblical interpretation and it is there we need to dig.

I first began to look at Christian materials in relationship to the legal teachings of Judaism when working on my MA at the University of Toronto. I soon discovered that most seasoned scholars of New Testament, not knowing the intricacies of talmudic texts from deep study but from secondary sources, formed skewed opinions and could not penetrate the meanings that lay behind some remarkable rabbinic texts. I found it difficult to explain to them that unlike most literature talmudic texts often do not, for whatever reasons, expose the precise contexts upon which their cases rest. The ability to discern these contexts develops from the experience of spending years of concentrated study utilizing the works of the best talmudists over the last thousand years as well as developing a critical sense of how talmudic passages are constructed from earlier materials. This experience permits dedicated students to engage not only the rabbinic texts they study but also early Christian texts from unique standpoints. Most scholars of the New Testament lack such training.

Many academics, unable to fathom how these materials function, dismiss the value of the undertaking altogether.³ Nor have weak

² I refer in the main to such works as S. Kraus (1893, 1894); L. Lucas (1910); L. Goppelt (1954); H. Wilde (1949); H. J. Schoeps (1963); M. Simon (1986); S. G. Wilson (1989); J. C. Sanders (1993); C. Setzer (1994).

³ For example see B. A. Hagner (1984).

studies by well-meaning but inept novices helped the cause. The final section of this work was designed to argue that there is substantial value in the proper study of rabbinic literature to illuminate the nature of early Jewish/Christian relations and indeed New Testament writings in general.¹ This study involves identifying pertinent talmudic and midrashic passages (the major legacies of the ancient rabbis), emending them where warranted and placing them into wider contexts by uncovering their structures and motifs. I especially hope that younger scholars of Christian Studies will come to appreciate that rabbinic literature has much to offer the academic who is interested in the origins of Jewish and Christian polemics.

The major oversights of most New Testament scholarship concern the features of scribal law. For all intents and purposes the Gospels use the term, scribe, Pharisee, lawyer interchangeably. To be sure there are technical differences in the strict connotations of each word. Pharisee is a general term for a Jew who abided by laws enacted and explained by pharisaic scribes. The term lawyer most likely refers to a student of the scribes. The Pharisees relied upon their scribes to interpret, provide wisdom, and give knowledge, in the manner of Ezra, the scribe, who is mentioned in Nehemiah 8:8.²

Ezra's Torah reading was understood by the Rabbis (*Sifre Deuteronomy* 313) to be the re-enactment of Sinai where God 1) gave knowledge, 2) provided wisdom, and 3) enabled clear vision of the simple meaning of the Law. These three levels of instruction were thought to be specifically relevant to 1) simple biblical explanation, 2) law, and 3) involved hermeneutics. It might well be that the terms 1) "scribe," 2) "lawyer" and 3) "Pharisee" were meant to reflect the division of interpretation current among scribes. Josephus refers to these three levels of biblical workmanship—1) plain sense, 2) allegorical metaphors, 3) enigmatic puzzles.³ In kind, the term "scribe"

¹ S. Sandmel (1985) presents a short history and personal evaluation of the place of talmudic scholarship in the appraisal of the New Testament.

² Although much has been written on the Pharisees in recent years, the works of the early twentieth century marked a turning point in the understanding of this group. See Lauterbach (1913) and Herford (1924). According to talmudic traditions, the leaders of the Pharisees were saintly, pious and righteous people who were blind to the self-serving and corrupt practices of some of their students and junior administrators who gave pharisaic judges a bad reputation. But pharisaic law, based on scribal practices together with a unique exegesis of written Torah and oral tradition, usually was adjudicated fairly and equitably and the Pharisees remained the group of choice for the majority of Jews.

³ Josephus, *Antiquities*, (11. Whiston Preface)4. Genesis Rabba also begins by noting an identical threefold approach to Torah based on Proverbs 8:30).

has many senses in rabbinic literature, referring sometimes to the interpreter of the plain sense of Scripture, at other times to the legislator of non-biblical laws and still at other times to the interpreter of the oral law using hints in the written law.¹ Thus the Babylonian Talmud (*Kiddushin* 31a) says scribes (Hebrew *sofer*) were, amongst other things, enumerators (Hebrew: *sofer*, i.e. "one who counts") who kept tally of the number of words in Scriptures to explain the meaning of the oral and written law. Making every word of the Bible, indeed every letter, count justifies most midrashic and talmudic legal exegesis. For instance the Bible, Deuteronomy 21:16-17, stipulates that the first born son is to receive a double portion of a father's inheritance. The question naturally arises how this double portion is to be calculated. Do we mean a flat double? So that if the father leaves 21000 dollars and there are 6 sons the oldest takes 14000 and the other 5 take 1400 each. The oldest always gets double the amount of the total of his brothers. That would seem to be the simplest way to explain the passage. Or we might suppose that the text means the oldest takes a proportional double. If there are six sons the oldest would get 6000 and the 5 others would get 3000 each. Then the oldest gets only double what each one gets rather than double the total that his brothers receive. The Jewish sages transmitted the methods and decisions of the *sofrim* (*Sifre Deut* piska 117, Babylonian Talmud *Babba Batra* 122b) who decided the law to be that the oldest takes a proportional double and his amount is determined by the number of brothers he has to share with. They looked at the verse and found an extra word: "In the day he gives an inheritance to his sons." Now the whole episode here discusses two sons, one from a beloved wife and one from a hated one. There is no need to state "sons" here when shorter phrasing "he gives them an inheritance" would suffice and in Hebrew entails the addition of only single letter rather than the whole phrase "to his sons." Why then has "to his sons" been added? They concluded it was written into the verse to make "his sons" the indicator of the amount of the double inheritance in all cases.

The above example represents one of near countless cases where the scribes kept track of extra details, i.e. unnecessary words, in the biblical text and deduced mountains of laws based on such *minutiae*.

¹ See Finkel (1964: 18-22 for the history of the "scribe" in Judaism of the Second Temple period.

But sometimes we can discern the significance for keeping track of every word of the biblical text in homiletic passages as well. Here is a striking example. Rabbi Elijah of Vilna who was the greatest talmudic scholar of the 18th century, in a comment preserved in manuscript number 341 (92r) in the Prague museum, discusses a rare midrash. I think it probably belonged to the now lost *Yeladenu* midrash of Exodus *parashat vayaghele* (akin to our *Tanhuma vayaghele* 6). The midrash cites Psalm 119:30—"The opening of your Word gives light" and then the midrash says this verse ~~if~~ Psalms refers to the "Temple candelabra" (Hebrew *menorah*). The Rabbi's explanation is this; "The opening of your Word" pertains to the first verses of Genesis, Exodus, Leviticus, Numbers, Deuteronomy. The opening verses of these biblical books contain 7, 11, 9, 17, 22 words respectively. These numbers describe the Temple candelabra: 7 "candles", 11 "knobs", 9 "flowers", stood 17 "spans high," and had 22 "cups."⁶ Thus he renders the midrash on Psalm 119:30 intelligible—the beginning of each book of the Bible gives us a detail of the Temple *menorah* which gave light. That is how the midrashist understood what the verse said, "The opening (verses) of your Word (describes what) gives light." Hence an ancient scribe, who really counted words, authored this midrash since it is only explicable by using numerical methods. That was one of the interpretative methods, both in legal and homiletical hermeneutics, of the ancient scribes who had to keep track of precise information concerning the received biblical text.

The methods of the scribes are difficult to fathom. Their rules and regulations are an enormous system ~~if~~ highly analytical concepts resulting in procedures that could never be anticipated by novices to their system. The scribes enacted many laws, some to define biblical law (e.g. the things that neighborly love of Leviticus 19 entails) and others to safeguard divine law, (e.g. not eating dairy and meat products together to protect the divine command of "not seething a kid in its mother's milk") and still others to mark religious occasions in particular ways (e.g. lighting candles before the Sabbath begins). The parameters governing when these scribal laws apply and when they might be relaxed are highly complex and subject to considerable controversy in each case. The scribal debates are the materials that lie behind the sources of New Testament controversies between

⁶ The description is found in Maimonides' *Mishnah Torah: Beit habehira* 3:2-3 which is typically based on ancient biblical and rabbinic sources.

Jesus and the Pharisees. Any scholar who thinks these materials are irrelevant to the study of the New Testament can only mislead those who depend upon such a scholar's limited researches. In this book I intend to elucidate the legal disputations of Jesus and his opponents based upon the details of *dvar sofrim*—the words of the scribes as handed down through the ages. If the principles seem complex there is no remedy for the interested reader but to go and master them.

Since the appearance of my first study (Basser 1985, 148–151) on Jewish/Christian debates of the Tannaitic period I have continued to look at similar materials in my extensive, systematic studies of rabbinic literature.⁹ What I have found is too unwieldy to organize into a single monograph. I have therefore decided to concentrate my efforts in three essays which follow a common direction.¹⁰ I begin with a presentation of the anti-pharisaic, legal debates found in the Gospels and attempt to make the case that a) the primary objections and defenses here are only concerned with scribal fences made to protect the infringements of biblical laws and b) in virtually all cases Jesus shows that his actions are permitted within the correct understanding of scribalism which he accurately proceeds to demonstrate. But the Gospel writers manage to use such vehement rhetoric and tones that they paint a picture of hostility where there is little cause to do so. This, I claim, is evidence of a bitter debate between Jews and Christians in the latter part of the 1st century. In the second section I try to illustrate the Jewish response to Jewish Christian successes by dwelling on interchanges concerning the place of love and concord in Jewish and Christian teachings.

Many scholars still consider the debates in the New Testament and the Church Fathers to be actual evidence that Jesus rebelled against the legal authorities of his day. "It was perhaps this unheard-of claim to authority over the mosaic law and over people's lives that disturbed pious Jews and the Jewish authorities," writes J.P. Meier (1978, 95). E. Käsemann (1969, 51) went a step further and claimed that Jesus cut himself from the Judaism of his day. These writers overlook the reality that the Gospels use materials from a society in

⁹ Cf. P. H. Alexander (1983).

¹⁰ I am not concerned in this work to discuss notices of debates between Christians and Jews except where exegetical issues are concerned. Others have duly noted such debates in their works on Christianity and rabbinic literature. Setzer (1994) takes note of the more obvious ones.

which controversy was not viewed as negative and hostile but as didactic and as an *anform*. It is only in the language of the later Gospel setting of most of the debates that there is hostility expressed. In the substance of the teachings there is for the most part little hostility. It might well be that the Christian framers of these traditions said things the way they did in order to heighten the tension between Judaism and Christianity until the debates are no longer seen as didactic exercises between Jesus and some colleagues but as a boxing match in which Christianity has defeated Judaism.

We have a vast array of ideas concerning Jesus' niche in the Judaism of his time.¹¹ Harvey Falk (1985) gives us a picture of Jesus as a Hillelite Pharisee arguing against Shammaite Pharisees. In this he has already been anticipated by Finkel (1964, 134-6) and Vermes (1983, 70). The whole debate is inhouse in Pharisaism. Falk's book is a mass of hypothetical interpretations of Rabbinic, Qumranic, Christian passages which are speculatively tied together and then presented as the picture Rabbi Ya'akov Emden had of Jesus when he spoke of him as an authentic Jew. Needless to say there is nothing to learn from Falk. Nonetheless, he does remind us that Rabbi Emden, a very learned talmudist, did not regard Jesus as a heretic in the rabbinic tradition.

The attempt by Alan Segal (1991) to see Jesus' message and his followers' teachings as the basis of an apocalyptic community is as tenuous as Falk's unfounded assertions. "The message of Jesus that, with repentance, all are equal before God is typical of all sectarian apocalypticism of the time. Christian practices... are likewise typical of the other contemporary apocalyptic groups" invents movements and communities, no less than the message and practices these communities espouse. Apocalyptic is a genre of literature and there is nothing at all to justify the notion of unique apocalyptic groups. Our evidence from Josephus and Philo and Dead Sea Scrolls and Pseudepigrapha and Apocrypha shows us that Jews read the Bible's prophetic, wisdom, apocalyptic passages as a whole. The New Testament's citations from the Jewish Bible confirm this. We cannot speak of prophetic or wisdom groups and we have no reason to speak of apocalyptic groups without presenting evidence of their existence.

¹¹ An excellent overview of the major works, Christian and Jewish, of the late 19th century dealing with the character of Jesus's Pharisaism can be found in Klausner (1964) 71-124. See also Vermes (1983) ch. 5 for the history of scholarship on this topic in the 20th century.

INTRODUCTION

Falk invents unwarranted meanings for specific passages and Segal invents unwarranted characteristics of "sectarian" groups—whatever that term might mean to him. The literature he adduces cannot identify any real groups without relying on mazes of speculation that cannot allow for his firm conclusions concerning Christian groups or justify his use of the term "Jesus, the Revolutionary."

Geza Vermes (1991) sees Jesus as a Galilean holy man who preached a tolerance for neglect of Jewish law. It might be said that the models he uses to illustrate the concept of holiness are very far from preaching a tolerance for neglect. Even the donkey of Hanina ben Dosa was observant according to the type of tale upon which Vermes patterns Jesus. Nor does Jesus show tolerance for neglect in the Gospels. If anything the stories are framed to show that symbolic rituals without observing their ethical teachings are dire indictments. Jesus condemns only the practitioner who practices the symbolic rituals of charity but does not lift a finger to do real charity. On the other hand, Jesus, according to Vermes, was indicted by Sadducees (generally aristocrats approving of the established culture of Rome) who thought him a trouble maker by challenging the established order. Again we are faced with pure speculation.

David P. Froymson (1993) tells us how Joachim Jeremias, Wolfhart Pannenberg, Hans Kung, John Riches, Norman Perrin, Jon Sobrino all saw Jesus in revolt against the Law. He attempts to show that Jesus did nothing against the Law and taught nothing against the Law. He finds that Jesus ran into trouble with his arrogating certain types of authority for himself. His presentation rests on assertions that need further clarification.

The most influential writer on these issues is E. P. Sanders. Sanders (1985, 247), in an early work, claims Jesus is not a midrashist nor a halakhic midrashist, and did not deal with matters through clever interpretation. For E. P. Sanders (1985, 255), Jesus, by telling someone not to bury his father but to follow Jesus instead, may show he was prepared to say that to follow him superseded all acts of religious piety. In general, E. P. Sanders agrees with those who find that Jesus believed himself to be living at the dawn of a New Era—the Age of the *Eschaton*, and the Torah as it was meant would not always suit the New Age. But that was for the future—in the here and now E. P. Sanders concurs that Jesus did not allow that the Torah had been superseded. He discusses the issues and concludes such to be the case on the bases of his analysis. In his most recent word on

the subject E. P. Sanders (1993) again avows that Jesus was not at odds with the Pharisees and proceeds to discuss points which bring Jesus' words into conformity with what E. P. Sanders would see to be pharisaic practice—as based upon Sanders' own, not too far off-the-mark, understanding of rabbinic literature. This is a more definite presentation than he had given before. In general I agree that there is not much room to see the rules of Jesus or his hermeneutics in tension with rabbinic or pharisaic extra-scriptural tradition. At least in this regard one can argue that rabbinic law preserves pharisaic traditions to the extant that we find shared laws in New Testament and talmudic literature.

Nevertheless, I do take issue with E. P. Sanders' presentation. His agenda is simply to show the agreement in Jesus' words with pharisaic positions. Where he cannot do this he either posits that those difficult cases are later retroversions (for example plucking grain on the Sabbath) back to the time of Jesus and not really solid traditions of a pre-Easter record; or he interprets matters so generally that he does not meet the obvious objections that should be raised. In my presentation I cite the very rabbinic rules which precisely pertain to the cases in the Gospels. My analysis is based on passages neglected by Sanders that are not subject to the same criticisms one might level at Sanders' somewhat general or ambiguous discussions. My work is more probing and I think more cogent. There are many critiques of Sanders work in fine that one might raise but in principle his assertion about the nature of the debates between Jesus and the Pharisees is quite accurate.

My position on these issues is quite simple. I will argue in Part I of this book that we do have examples of classical midrash in the Gospels. Furthermore, I will argue that the Jesus we meet in the Gospels is very aware of pharisaic law and in general does not criticize it *per se*, even if he criticizes certain Pharisees for many things; one of them being that they do not even know their own laws. His correction of the Pharisees is not meant as a dismissal of them but as a restatement of the proper law to educate his interlocutors. Jesus uses hermeneutical methods which we find in rabbinic literature that I will refer to as pharisaic (although probably not exclusively so). Whatever these debates show us, the rhetoric of the Gospel writers stresses the ongoing conflict of Jews and Christians over pharisaic authority in their day, while showing that the substance of the ac-

INTRODUCTION

tual Jesus materials, in pre-gospel times, could not have been caustic.¹² From the time of the close of the Gospels, with their heavy anti-Jewish bias seeing Jews as worshipping in the "Synagogue of Satan" (John 2:9,3:9), Church Fathers perpetuated a demonic view of Jews until such views ultimately, in later centuries, led to legislation forcing Jews to live as perpetual wanderers, damned eternally to suffer.

In the second part of this book, I address the complex nature of Jewish responses to the stance of the Christian (mis-)appropriation of Tanak's prophetic promises to Israel and Christian slights to its ceremonial law in the first four centuries. Jacob Neusner's work (1971) is useful in showing us the Syriac Christian use of Scripture. Some Rabbis found themselves vexed by the claim of Jewish adherents to the new religion to the effect that scribal ordinances and even biblical injunctions had been superseded and engaged in a program to discredit the new movement and deny Jewish Christians any sentiment of grace whatsoever. Other Rabbis took a more patient view and addressed their challenges gently. The textual history of these arguments is very cloudy and can only be pieced together with bold strokes of imagination. In this section, many sources are summoned to converge on disputes over the theme of love and hate.

In the third section I address the use of rabbinic literature to address problematic passages in the New Testament especially in dealing with issues of polemics and apologies. I demonstrate that in many cases rabbinic documents and New Testament illuminate each other. This section justifies the methods encountered throughout the entirety of the present work.

As a whole, this book tries to make sense of obscure passages in the records of some early confrontations of Jews and Christians over the efficacy of biblical and scribal rulings in the Christian Era. Word studies and textual analysis of difficult readings interrupt the smooth flow of the presentation, but these studies are crucial and cannot be consigned to footnotes or appendices. The scraps of material that survive are all we have. Is that enough to give us an outline of the early Jewish/Christian debate (especially from the Jewish side)? I think

¹² Chwolson (1908: 95–6, n. 2) sums up the findings of the best of Jewish scholarship on the teachings of Jesus: "Jesus said and taught nothing to which the true Pharisees could not have subscribed and did nothing with which they could find fault." It may well be that that the Gospel writers themselves did not understand much of the thrust of the argumentation in the debates they reworked.

many large questions have ~~to~~ remain unanswered. We will never know what it was that sparked a following for Jesus to the extent that millions revere him as their savior and have formed a religion at odds with the religion of Jesus himself. Is it all based on some giant misunderstanding of the teachings of Jesus or did Jesus do things and teach things that had no place in Judaism? The answers to these questions are difficult to fathom and there is little sure evidence to draw from. It is certain that the animosity between Christian and Jew in the early centuries must have had its origins in the very birth of Christianity but here we lack evidence ~~of~~ the Jewish response.

Zeitlin (1967, 334) tells ~~us~~ that Jesus taught things that opposed the normal understanding ~~of~~ Jewish observance and he adhered to doctrines of a supernatural messiah that were suspect in the eyes of all but certain Messianic groups. After his death, the attempt to keep Christian doctrines within Judaism failed and Christianity rapidly broke away from Judaism. Church Fathers sought references in the Old Testament to Jesus' divinity, sought to prove that salvation was through faith in Christ, and to disparage the ritual laws of Moses and the Pharisees. Gentiles were quickly absorbed into a religion that claimed to supersede Judaism. This is the approach of Rivkin (1984, 61, 141) as well. Unlike Zeitlin, he thinks Christian Messianism was already born in the womb ~~of~~ Pharisaism. What Christianity became in the end was already there in potential in Jesus' teachings. For Jesus too had challenged the Pharisees. *Ex nihilo, nihil fit.*

I am not so sure that the historical Jesus preached his own Messiahship or that he challenged pharisaic law. It is true the Gospels claim this. They hardly make a convincing case. It may well be that despite the fact that the evidence in the Gospels is much too inconclusive for such a conviction, Jesus really did antagonize Jewish teachers in ways that were not preserved, and what writings we have are simply inadequate reconstructions. But I am somewhat uncertain that this necessarily must be the case. I do not completely discount that Christianity may be a religion totally divorced from the personality of Jesus. The Gospels may simply be justifications of a new gentile religion which developed out of a failed Jewish sectarian one and for all intents and purposes the actual story of Jesus may be much besides the point. But then again I find such a scenario difficult to accept. Perhaps, Jesus did flaunt pharisaic teachings. One could argue the examples given in the Gospels are only those cases where he seems to best his opponents according to their own out-

looks. The other debates were not carefully preserved. In actuality, Luke has no desire to distinguish between pharisaic law and biblical law and sees Jesus as rebel more than the other Synoptic Gospels. While it is possible the words of Luke might be the most heavily edited to show conflict whereas in reality there was little in these particular cases, the spirit of the conflicts in Luke might be the most genuine and original. They might point to the fact there were conflicts which were not recorded because the historical Jesus did not beat the "uneducated" Pharisees in those conflicts as he did in these recorded ones (historical or fictional). This is possible, but again I find it unlikely. The New Testament teachings of the Kingdom and its attendant biblical exegesis are too much based on materials that interlock with rabbinic literature to have originated in an environment so hostile to Pharisaism.¹³

Jesus traditions do interlock with scribal notions, probably passing from Pharisaism into Rabbinism, the rabbinic sages calling the predecessor of rabbinic law "words of the scribes." Since this is the case, it is difficult to see the historical Jesus too far apart from those who deeply studied "scribal law" of the Second Temple period. How then is it that Christianity developed such disdain for Jewish scribal law? Perhaps early Christian authorities wanted to drive a wedge between the well established scribal religion of the Jews and their new fledgling religion breaking off from it. The Jewish response to this separation was to justify Jewish disdain towards the Christians, to find their own references in Scripture to any counterfeit traitor calling himself "Son of Man" (as Jesus seems to have called himself), and to insist on the absolute viability of all Scripture and all scribal law. Here I propose to demonstrate that, after the destruction of the Jerusalem Temple, rabbinic Jews preached law and lore in public on the Sabbath and Christians attended these sessions to debate the question if salvation could still happen through Jewish law and its rituals.

The enigma of a populous world religion so at odds with the religion of its originator has no definitive solution. We can only hope to reconstruct the record of conflict between Jews and Christians in the formative stages of Christianity as it passed from being a despised cult to becoming the state religion of Rome. Within that conflict we

¹³ See PART III of this book for a demonstration of how rabbinic materials and Gospel materials interlock.

can see the width of the chasm separating Jew and Christian and we can place New Testament writings as witness to the early Christian hostility to Judaism. The tipping point of clash had to be a few years earlier, but the details of where that point was reached are unknown. It seems to have happened so rapidly that the earliest records of Christians signal the conflict to have occurred already in the life of Jesus and to have resulted in his death. Yet, there is evidence that after the death of Jesus, Peter and James, his closest disciples still held fast to Jewish ritual and hoped Christians would be observant Jews. Why this did not happen, I cannot say but it is a fact that it did not. Perhaps the gentile need for a universal, monotheistic religion was stronger than the need for another sect of Jews. Christian teachers decided to go that unique route. To do so they had to revise the original Jesus story, a story we cannot at all reconstruct now, to show that Christianity was not Judaism and that the Jewish message had to be ignored since Jews were evil and blind.¹⁴ In this book, we focus on pieces of evidence to show both sides of the conflict.

¹⁴ Flusser's (1988, 62ff) words are noteworthy: Matthew is the first known Christian who thought that the whole of Israel is rejected and that the Gentile Church became God's chosen nation.



PART I

THE JESUS AND PHARISEE DEBATES

Citations of Jewish Law in Gospel Debate Scenes

The Gospels show a surprising familiarity with legal matters that mesh in many ways with recorded rabbinic traditions. Although the rabbinic materials are cited by authorities who lived one hundred or more years after the writing of the Gospels, the Gospels testify to the antiquity of the rabbinic traditions.¹ They contain much which resonates with the traditions contained in literature known as *Midrash*, *Mishnah*, *Tosefta*, *Bavli*, and *Talmud*. This observation allows us to use the rabbinic materials in their rich forms to elucidate the more meager but older Gospel records of the same traditions.² We can also use this observation to distinguish between the Jewish source used by the Evangelists and their self-serving manipulation of the source. The Gospel writers did not always understand their sources as we might if we filter them through rabbinic oral traditions. Extraneous materials may also have fallen into the current versions of New Testament texts in order to clarify or to answer objections that were registered by Jewish converts in the churches. Indeed, we need to consider why materials that discuss controversies about Jewish practices are in the Gospels at all.

Religious groups need to distinguish themselves from other groups, need to confront and discredit the groups from which they emerge, and have to mark themselves as "Godly" and their opponents as "Satanic." If so, the Gospels' legal debates with scribes and Pharisees are in themselves somewhat more reserved, save perhaps for a few passages, than the later interpretations of Church Fathers, medieval and modern scholars who interpret these Gospel disputations. Our process of study of Christian Jewish controversy must begin with an investigation of the legal concepts and forms of debate present in the Gospels.

¹ See Part III further for an extended discussion of the validity of using rabbinic literature to uncover the sense of obscure references in the New Testament.

² See P. S. Alexander (1984).

The general impression gained from such a study is that the legal debates are based on early confrontations between the Jesus cult group (those original followers or disciples who found Jesus to be an extraordinary figure) and the Jewish religious establishment of the early 1st century. Jewish Sabbath law, oath law, eating laws, apparently mattered to the Jesus cult people. These issues did not matter to the Gentile churches which have produced and preserved our Gospels.¹ It appears that much of the material is earlier than the Gospels in which it is housed. Most likely the extant sources used earlier source material and added some minimal comment to show that Jesus was the bitter enemy of the Pharisees. Pharisees were a Jewish group who held fast to laws, known at times as the Tradition of the Fathers, which were passed down orally and in most cases meant to safeguard biblical injunctions.² They enacted about half a dozen other laws as well.³

Jesus, in point of fact may not have been a revolutionary (as we think of him) but rather a *reformer* wanting to educate his audiences. The present Gospels, as a whole, intend to demonstrate that the Pharisees had a vested interest in persecuting Jesus and killing him. Thus they elevated Jesus to the role of *revolutionary*. The point of the debate for the Gospel writers is not the debate itself and its intricate arguments but the fact of the debate. Jesus is a threat who must be and is eliminated by the Jewish authorities. This is why these materials are there. It is our purpose here to uncover the sense of the materials as they were first composed by those who did care about the legal issues as a separate item of interest somewhat distinct from the plot development of the Jesus versus Pharisees story in our Gospels. In this way we can also discover the enmity that quickly developed between Jews and Christians in the 1st century.

Debate Forms

Here we investigate and characterize what generally is pictured in the Synoptic Gospels when the Pharisees accuse Jesus of breaking

¹ While the Gospel of Matthew may indeed preserve quite original forms of Jesus' words, this Gospel puts forward a relentlessly anti-Jewish bias and should not be taken as a work by Jews or for a Jewish audience.

² Josephus, *Antiquities*, ed. Whiston, 13:10:6.

³ See Mark 7:13, concerning the washing of hands. Zeitlin (1967) 325 sees here an anachronism because he claims that this ordinance was unknown before 65 C.E.

some serious law. The rhetorical features of many of Jesus' retorts in the Gospel debates are cast in the following mold:

- 1) Statement of opponent's analogous legal practice as a question:
"Is not this your practice in cases similar to our discussion?"
- 2) Conclusion: Therefore you must agree with my position to be consistent.

In finer detail we see the parts that comprise the Jesus arguments:

1. Legal assumptions:
 - a) Something indeed looks problematic and in general your position is right.
 - b) Here by analogy is why this particular case is an exception.
2. Understood Conclusion:
We can now both agree.

Let us now see how this form operates in the Gospels. Scribal law as we know it, in its essentials, is much more ancient than the post 70 C.E. (the date for the Roman destruction of the Jerusalem Temple) rabbinic authorities who transmitted it to their students. A body of Jewish tradition has emanated from ancient Christian communities and is still recognizable and traceable today. Given this state of affairs we need to evaluate those laws mentioned in the Gospels that a modern student of Jewish Law would still recognize and on this basis look at the hermeneutic devices and rhetorical strategies of New Testament passages.

The Sabbath

The time of the Jewish Sabbath ranks as the foremost important time in the Jewish religion. For Jews, no other day must be observed as so thoroughly holy as the Sabbath must be. On that day Israel and God meet in sacredness. This is the day to be dedicated to spiritual attainments. From the days of the prophets advice was set forth on how to best derive the maximum religious benefit from the Sabbath. Isaiah 58:13-14 shows concern for proper behavior which would express proper attitudes towards the Holy Sabbath day. To look at the Gospel accounts of Jesus' healing on the Sabbath in the light of Jewish teachings may help us understand the behavior and attitudes

to which these Christian accounts testify. They also show us the antiquity of laws which otherwise might be mistaken for late rabbinic innovations. In all cases it is likely that Jesus' healing in itself constitutes nothing that many scribes or Pharisees, if not all, would have found as breaking Torah law. We do not know if the sources which speak for Jesus envisioned that he personally condoned breaking the Sabbath for all types of healing.⁴ The sources may argue only from the point of view of Jesus' opponents, but not from Jesus' own view, to convince Pharisees that Jesus has acted according to their own rules. It is a puzzle that the Gospel of Mark offers no defense of Jesus' behavior but only the condemnation of his opponents. We must assume that Mark would have his chapter 7 diatribe against "human law"⁵ which uproots "divine biblical rules of assistance" serve the purpose to generally dismiss all scribal law. Nothing more is necessary. Mark is different from Luke and Matthew who usually try to argue within the parameters of scribal law.

While Matthew 15:1-9 also has a passage parallel to Mark 7 to dismiss the force of scribal traditions, Matthew still tries to offer a scribal defense of Jesus' healing: Why do the Pharisees complain? Even according to their own laws I have done nothing wrong. Surely these are simply wicked people looking for excuses to condemn me. Since Matthew repeatedly does this we have no choice but to understand that for Matthew the diatribe against human law is not just the example which condemns all scribal law. It is specific to the case (certain vows) discussed and no more. Matthew sees Jesus as considerate of many scribal laws. Hence his Jesus will engage in pharisaic reasoning on more occasions than we find elsewhere in the Synoptic Gospels. J.N. Epstein (1957, 280-81) had noted that many of Jesus' reported retorts in the Gospels of Matthew and Luke are consonant with sources in Mishnah and Tosefta. He suggests that the pharisaic opponents are not portrayed to be as learned in Jewish law as was Jesus. Mark's Jesus, many times, seems to dismiss pharisaic reasoning as wrong *ab initio* since he only rarely engages in scribal argument on its own terms.

⁴ Even physically amputating where there was no possible danger in waiting until nightfall.

⁵ The important point is to see that there were two sets of laws operative for the Pharisees, Torah rules and scribal enactments. Some examples of scribal enactments that are important for the understanding of Mark can be found in Tosefta *Kelim Baha Metzia* 3.

While there is widely attested criticism and defense of Jesus' healing actions in three Gospel accounts there is none in Mark. Mark is not interested in Jesus defending any of his actions based on scribal laws or scribal reasoning. The precise apologetic is different in each of the Gospels. It would thus seem that the wordings of the subject matter of debates between Jesus and Pharisees were discussed in the early churches and then adjusted to best reconstruction.⁷ The defense strategy is different from Gospel to Gospel. Nevertheless each Gospel presents its own justifications in terms acceptable to rabbinic categories save for Mark. Mark relies on a dismissal of these categories since *ab initio* all pharisaic law contravenes Torah commandments concerning helping others. Matthew has the very polemic found in Mark and also in a healing framework; since he offers pharisaic rationales to defend Jesus in some instances we must assume his Jesus thinks only some pharisaic laws, i.e. those few mentioned are to be dismissed but not all.

In brief, there was a strong tradition that Jesus rejected scribal ideas of vows which interfere with Torah social obligation. There is no strong tradition about him rejecting scribal ideas concerned with healing on the Sabbath. The defenses offered meet the requirements of scribal categories. Jesus is criticised by those who believe he has transgressed scribal law and Jesus points out that he has not.

That Mark has no defense of Jesus' Sabbath healing may simply indicate Mark understood religion to be defined by confrontation. Jesus and the Pharisees were enemies. A pharisaic Jesus would make no sense to him. Unlike Luke, Mark follows a tradition which has placed a received diatribe against scribal "purity and vow" laws into the context of Jesus' healing. In effect pharisaic healing rules, as indeed all scribal rules, are dismissed. Matthew has combined both approaches, sometimes rejecting the notion Jesus subscribed to scribal laws and other times justifying Jesus' actions by scribal rules, even though they are inconsistent and he probably did not think that Jesus had discarded all scribal laws. The Pharisees sit in the seat of Moses.⁸

⁷ It is not within the strict purview of this book but I believe it can be demonstrated that Sabbath healing concepts in Jewish law spoken about widely in the 17th century, mentioned spottily in the 14th century (as standing behind 5c talmudic argument) seem already popular in the 1st century.

⁸ See Matthew 23:2.

Scribal Tradition

The Mishnah and Tosefta record many Sabbath rulings which were prohibited by scribes but not considered prohibited by Torah law. The Tosefta discusses the origins of scribal "muktsch type"¹⁰ prohibitions.¹¹

Since these types of decrees discuss Temple practices, the firm Palestinian and Babylonian traditions claiming these date to Second Temple times are warranted. These rules are of man made origin – and each of these laws had a rationale and a hierarchy of importance in the total scheme of things, for example, to protect people from mistakenly transgressing biblical laws. Certain priorities of urgency can override scribal rules in certain circumstances. These rules were circulated and practiced but not frequently discussed.¹² New Testament writings such as the expression in Matthew 12:11 "seizing and lifting" would seem to confirm the impression of the antiquity of these laws.¹³

Scribal law was accorded very deep respect and not easily disregarded. Thus even when certain rules were overridden, they were overridden in ways commensurate with scribal priorities. Relax this minor law rather than another. The principal reasons adduced by the majority of authorities to suspend scribal laws forbidding lifting/moving animals or non-prepared utensils were for the sake of enabling important good deeds such as Sabbath Torah study, Sabbath hospitality, easing pain to animals, calming people about loss of belongings.

¹⁰ I.e. utensils scribally forbidden to handle on the Sabbath.

¹¹ Tosefta *Shabbat* 14:1 is discussed in Babylonian Talmud *Shabbat* 123b which mentions both the Palestinian and Babylonian authorities dated the laws of "muktsch" to Second Temple times.

¹² This "public arena" as to when Rabbinic law might be mitigated was justified on the basis that divine honor was at stake. Babylonian Talmud *Shabbat* 133a.

¹³ The prohibition of "muktsch" is that of seizing and lifting ("tzidul") objects which are in categories that preclude normal handling on the Sabbath.

I. MATTHEW

Matthew 12:10-13: Apologetic for curing on the Sabbath a man with a shriveled hand.

And behold there was a man with a withered hand. And they asked him,

"Is it lawful to heal on the Sabbath?" that they might accuse him. He said to them, "What man of you, if he has one sheep and it falls into a pit on the Sabbath will not lay hold of it and lift it out? Of how much more value is a man than a sheep! So it is lawful to do good on the Sabbath."

Animals are categorized as "non-Sabbath items" and thus not to be moved.¹⁴ Since the New Testament uses the expression "lay hold of and lift," we see the problem is one of scribal *muktsah*—"animals are not set aside for Sabbath use"—and so must not be taken and lifted. The scribes prescribed that *muktsah* items are not to be taken and lifted. In the need to justify a teaching, the Babylonian Talmud reveals there could be a rule of *hefsek meraha* (substantial loss).¹⁵ The Talmud posited that if something was of small value it could not be rescued by over-riding scribal law.¹⁶ This is said to be the idea behind Mishnah *Shabbat* 24:1. We now infer that where something was of great value it could be rescued and, if necessary, even at the expense of scribal law.¹⁷ The passages dealing with alleviating animal pain can be found in Babylonian Talmud *Shabbat* 128b. That scribal prohibitions are overridden in cases of doing important good deeds is discussed in Mishnah *Shabbat* 18:1 and the commentaries of the Talmuds on it. Jesus is not saying anything very radical here. We must point out that the alleviating of pain for animals is a most complicated issue.¹⁸ There were two schools of thought on the matter and the first two *amoraim* (teachers of Mishnah, circa 225 C.E.) transmitted differing opinions. Shmuel held the more lenient view and Ray the stricter view. Both agreed that severe pain had to be alleviated but even in doing so measures to protect rabbinic laws had to be reasonably enforced. The two Rabbis differed sharply on how

¹⁴ See Babylonian Talmud *Shabbat* 128b and *Tosefta Shabbat* 15:1.

¹⁵ Permission to override scribal Sabbath Law where an object is of great value to its owner.

¹⁶ See Babylonian Talmud *Shabbat* 154b.

¹⁷ See Babylonian Talmud *Shabbat* 153a.

¹⁸ See Babylonian Talmud *Shabbat* 33a.

to apply these principles. It is correct to state that scribal laws are applied to animals in fine detail in the fifth chapter of Mishnah *Shabbat*. If need be, there would be no reason not to extend these very leniencies to humans. However, the Rabbis had traditions more direct than arguing from rules concerning animals to permit various categories of healing on the Sabbath. It might well be that the questioners of Jesus (as reported in the Gospels) were not aware of the full range of possibilities within the scribal legal framework. At any rate, it should not be thought that arguments stated in the Talmuds were unknown before the talmudic period. The Gospels, like those under present discussion, show us that at least some arguments found in the Talmuds do predate the Talmuds since they evidence the same differences of opinion. In general, we find that the rules that the Gospels report Jesus puts forth as the basis of his arguments are known from rabbinic literature. Quite often, the specific arguments in the Gospels (based on well known data) to permit healing humans seem unique to Jesus. The arguments attributed to Jesus may be sufficient but usually unnecessary to establish the leniency for healing. The Rabbis in many cases had used more direct and specific arguments from biblical verses to make the same points as Jesus did concerning healing humans but without drawing inferences from laws concerning animals.

2. LUKE

2.1 Luke 13:14-17: Apologetic for curing a woman on the Sabbath who was crippled for eighteen years.

But the ruler of synagogue indignant that Jesus had healed on the Sabbath said to the people, "There are six days on which work ought to be done, come on those days and be healed and not on the Sabbath day." Then the lord answered him, "You hypocrites! Does not each of you on the Sabbath unbind his ox or his ass from the manger and lead it away to water it? And ought not this woman, a daughter of Abraham whom Satan bound for eighteen years, be loosed from this bond on the Sabbath day?"

The Talmud allows tying¹⁹ common knots for the welfare of ani-

¹⁹ And likewise allows untying such knots. See also Babylonian Talmud *Betza* 31b.

mals—even to both the collar or nose ring on the animal and to the hitching post.²⁰ Normally tight knots could not be tied or untied according to rabbinic prohibition, even if untied daily. This was so since tying or untying very strong, permanent knots was considered forbidden by Torah law. The Rabbis relaxed their own ruling (but not Torah rulings) in the case of welfare for animals.²¹ The Synoptics do not inform us of the precise nature of the accusations against Jesus. Was he accused of transgressing human scribal decrees or breaking divine Torah law? We infer that since the Gospels report that his defenses argue from those occasions in which some Pharisees themselves found loopholes, the only accusations against him concerned his permitting a few scribal decrees to be set aside. Jesus argued the legality of his positions. The scribes discouraged certain acts of healing on the Sabbath like using medicines that might require effort to produce where there no immediate life threat. We read here that the president of the synagogue quoted Exodus 31:15 to Jesus when he was healing someone, "Six days work may be done." Obadiah Sforno (16th century Jewish Italian Bible commentator) in his Biblical Commentary sums up the ancient and medieval rabbinic tradition when discussing Exodus 31:15: "When it is possible to do a commandment on another day, the Sabbath is not moved aside for it." Some scribes applied this reasoning to all infractions of the Sabbath for beneficial purposes including their own scribal rules. Jesus responds by pointing out that, in general, the scribes relaxed injunctions against untying real knots that are untied daily.²² Amongst other things we see the sages permitted bundles of sheaves to be untied (a rabbinic prohibition) for the sake of feeding one's animal.

Let us now ask ourselves, "Precisely what upset his opponents in his actions?" There are talmudic passages that lend themselves to the idea that if a condition will not at all worsen until the close of the Sabbath, all rabbinic laws forbidding medicinal means of healing are in applied in this case. On the other hand there are reasons to say the opposite—in respect to such a person all scribal laws are suspended for his welfare. Modern rabbinic authorities have traced the history of arguments surrounding these laws since the sources

²⁰ See Babylonian Talmud *Shabbat* 112a-b and 113a.

²¹ See Babylonian Talmud *Shabbat* 53a, 15b; *Tosefta Shabbat* 14:8-9, 18:1.

²² Tying or untying permanent knots on the Sabbath was considered an infraction of divine law.

are somewhat obscure.²³ The side which forbids treatment of benign illness contains the list of many of the greatest medieval talmudic scholars. Nevertheless, the prevailing custom has been to refrain from infringing upon Torah law in such cases, and so just infringe rabbinic law to ease the pain. We might now say that the opinion of the opponent was that all manner of healing was forbidden. Such scribal prohibitions included any act of treatment where there was no threat to life or limb that might worsen.²⁴ Biblical prohibitions involved in the preparation of medicines included boiling, grinding, lighting, cutting etc. and these in no wise might be done on the Sabbath unless there was a sense of possible danger.

It still may be possible to assume the charge against Jesus for healing on the Sabbath was one of breaking Torah law. He mended a body. Mishnah *Eduyot* 1:8 might have us believe that correcting a non-functioning human organ on the Sabbath, where there was no danger of the condition worsening, might constitute an act of "fixing" or "building". However, the cases in *Eduyot* seem to be ones in which something physical is made in the body to relieve a non-vital irritation. In the cases presented in the Gospels no incisions or reconstructions were made in the organs of flesh. Jesus heals by touching.²⁵ The Gospels are dealing with rabbinic-like strictures against Sabbath healing where there is no need to heal on the Sabbath itself. The defenses offered in the synoptic Gospels of Luke and Matthew seem to address scribal/rabbinic issues of the Sabbath. The argument may well be made that the president of the Synagogue cited Exodus 31:15 in order to remind Jesus that the scribes also did not relax their laws except in cases which could not be deferred until the night after the Sabbath day. What was taken as pertinent to overriding biblical law served the category of over-riding scribal law as well. What could be deferred should be deferred.

Although the common rule seems to have been that no manner of healing for benign cases was permitted according to Matthew and

²³ See Y. M. Kagan's *Bava Batra* commentary to *Shulhan Arukh Orach Hayyim* 328:4, and Babylonian Talmud *Ketubot* 63a.

²⁴ Lest one come to violate the biblical law by permitting grinding medicines unnecessarily, see Babylonian Talmud *Niddah* 53b.

²⁵ Such things are discussed as permissible in *Tosefta Shabbat* 7:23. Cf Babylonian Talmud *Sanhedrin* 101a. Flusser (1988: 21) has shown the parallel between Luke 13:11-13 and the *Genesis Apocryphon* Column 20 line 29. In both cases healing results from the laying on of hands by the righteous.

Luke, Jesus declared this rule to be contradictory to scribal law. Since scribal law was relaxed for animals, it should be relaxed for humans as well, even in cases of benign conditions. Jesus thought the teaching was erroneous that proclaimed no healing²⁶ might be done on the Sabbath when the condition was benign but troublesome. Jesus thus justified his own behavior using methods acceptable within pharisaic procedures. The verbal methods used by Jesus did not constitute a healing procedure that might be questioned. Nevertheless, it could be argued, perhaps, that the methods of Jesus were considered by some to be borderline infringements as they could lead one to believe all healing procedures, even those that were by all accounts forbidden on the Sabbath, were in fact legal.

2.2 Luke 14:3-5: Apologetic for curing a man on the Sabbath who was swollen with fluids.

And Jesus spoke to the lawyers and Pharisees saying, "Is it lawful to heal on the Sabbath or not? ... Which of you having an ass or an ox that has fallen into a well will not immediately pull it out on a Sabbath day?"

The earliest extant specific teachings concerning an animal stuck in a pit on the Sabbath²⁷ are found in the *Damascus Document*²⁸ and may well relate to the problem of scribal decrees which are found in the Tosefta. The Tosefta²⁹ says that if an animal falls into a place where there is water from which it cannot get out on its own, then one should feed it food there but not extricate it. The Babylonian *amoraim* (masters of Mishnah in the rabbinic academies) thought that this meant if the animal could stay comfortably, then one should feed it in its place, but if it would cause the animal pain to stay put, then it could be removed even though this would entail infringing upon a minor scribal decree.³⁰ The Babylonians³¹ apparently followed the reasoning that animal pain had to be absolutely relieved by Torah

²⁶ Even where biblical law was kept intact.

²⁷ Aside from New Testament sources.

²⁸ CD 11:13. The point seems to be that it is forbidden to extricate the animal on the Sabbath but we do not know the parameters governing this law.

²⁹ Tosefta *Shabbat* 14:3.

³⁰ See Babylonian Talmud *Shabbat* 128b.

³¹ See Babylonian Talmud *Babba Mezia* 32b.

decree,³² and this Torah injunction could override some scribal prohibitions of the Sabbath. Although we have no explicit Tannaitic statements to this effect, the force of Babylonian Amoraic tradition is born out by the New Testament. The practice of alleviating pain for animals stuck in pits dates to Second Temple times although the written Jewish sources are attested relatively late.

3. THE SYNOPTIC GOSPELS ON PICKING GRAIN

Matthew 12:1-8; Mark 2:23-28; Luke 6:1-5: Picking sheaves.

At that time Jesus went through the grainfields on the Sabbath; his disciples were hungry and they began to pluck the ears of grain and to eat [rubbing them in their hands (Luke's version)]. But when the Pharisees saw it, they said to him, "Look, your disciples are doing what is not lawful to do on the Sabbath." He said to them, "Have you not read what David did, when he was hungry, and those who were with him: how he entered the House of God and ate the Shew Bread, which it was not lawful for him to eat nor for those who were with him, but only for the priests? [Or have you not read in the Law how on the Sabbath the priests in the Temple profane the Sabbath and are guiltless? I tell you something greater than the Temple is here, and if you had known what this means, 'I desire mercy and not sacrifice,' (Hosea 6:6)]³³ you would not have condemned the guiltless (Matthew's version)]. And he said to them, ["The Sabbath was made for man, but man for the Sabbath (Mark's version)]. For the Son of Man is lord of the Sabbath."

All the problems, textual and conceptual, inherent in unraveling Jesus/Pharisee debates can be found in this one example.³⁴ It seems

³² Exodus 23:5 concerning an animal under stress states, "You shall surely help."

³³ In Matthew, Jesus will always criticize Pharisees for lack of compassion; in mentioning sacrifice, Matthew adds that the Pharisees neglect compassion, but that is not central to the argument here at all. It is an aside.

³⁴ See Netzer (1991: 32) for her view that the accusation concerns an infringement of the divine Oral Torah rather than one of scribal law. She thinks the story serves as a model to purify the Sabbath practices of the Churches. Nevertheless, she does note the controversy concerns laws not mentioned in Scripture. She neglects to consider whether or not these rules might have been derived exegetically to the extent they then would have been considered as written in Scripture. It would seem Qumran had similar Sabbath laws and it may well be that the rabbinic method of exegesis connecting forbidden Sabbath labors with Sanctuary construction labor was widely accepted. Certainly no Gospel says, "Hey, that is not a written law." The justifications used in the Gospels point to very different see-

that the Evangelists had little idea about the details of Jewish laws, and only by careful analysis can we establish what lay behind their words.³⁵ We must note that in all cases in legal debates about Sabbath in the Synoptics, the question of dispute revolves around scribal laws and whether or not the questioning Pharisees know these laws as well as they think they do. The debate about eating in the fields is of this order too.³⁶ When people pluck out grain, if they then push out the kernel of wheat which is an unusual or rare circumstance (normally wheat is harvested in large amounts with an instrument), they do not violate biblical Sabbath rules.³⁷ The scribes, to protect the spirit of Mosaic laws, banned biblically allowed "abnormal" Sabbath acts. Ears of grain were not usually plucked one by one from fields as distinct from the more common harvesting, threshing methods in use at the time. Babylonian Talmud *Shabbat* 103a³⁸ records a very early tradition that specifies the types of plants that are forbidden by biblical law to be plucked (by hand) and ears of grain are not mentioned (since they are normally harvested with a sickle). Deuteronomy 23:26 specifically mentions a method of plucking off the tops of the wheat to get to the kernels by hand in an unusual way when eating in another's field. The normal processes of reaping and threshing are bypassed. The activity in this NT passage mirrors the activity in Deuteronomy. Furthermore this tradition notes that in fields not belonging to the plucker one would not transgress the prohibition of clearing fields. Another source, Babylonian Talmud *Betza* 13b, contains examples of the rabbinic rules of *shinui* (change from regular manner) to show specifically that rubbing kernels of ripened grain to eat was unusual (as we find in Luke's

narrative). Breaches of scribal law, a law acknowledged by Jesus, are at issue and nothing else.

³⁵ Finkel, 1964, 170 does not do justice to the Gospel pericope.

³⁶ Zeitlin (1967, 324), is of a wholly other opinion. He thinks this "plucking" conflict represents a real Jesus dispute. Jesus flagrantly broke biblical law and justified himself in ways foreign to Pharisaic teachings. He appeared to be an arrogant renegade to the Pharisees.

³⁷ See Babylonian Talmud *Shabbat* 128a. In Mark we must assume that the text means "plucking" and "rubbing" of the kernels to show the kernels were hard and taken from the field in an *ad hoc* way. See *Tosefta Shabbat* 14:12 which permits *kavim* and *molei*, plucking and rubbing. The idea here is more the idea of plucking out the kernel from the ear and then rubbing it which might be the idea in Luke (rather than uprooting the whole ear of grain as might be suggested in the other versions).

³⁸ Compare *Tosefta Shabbat* 9:14-16.

version). It was not considered a biblical prohibition in regards to the Sabbath. It follows that what is described in the Gospels would be forbidden by a scribal prohibition and not a biblical one. Thus room for leniency might be available as the scribes left loopholes in their rulings for various circumstances when their rulings would not apply.

Matthew has provided his own understanding by prefacing the unit with the notice that priests may profane the Sabbath in the Temple; thus the disciples may also profane it since they are in the presence of the Son of Man. Matthew builds his argument on the premise that the Torah commands Temple sacrifices on the Sabbath. No other Gospel argues from this premise, and it seems likely that Matthew's version was simply contrived to be parallel to the common, authentic tradition "have you not read (i.e. in Scripture,) what David did..."

Let us examine the details. The defense of Jesus is precisely to the point; we know David over-rode biblical law properly, and so we know biblical law can be superseded.¹⁰ It is a talmudic principle that whatever the scribes enact usually follows biblical models and, indeed, the model for overriding laws is to be found in the Scriptures. Furthermore, in Matthew's addition, the scribes allowed that in the Temple the Torah made the offering of the daily and *musaf* sacrifices mandatory on the Sabbath. Consequently much scribal law could be suspended in the Temple because the scribes assumed the Temple authorities would be careful and watchful that no biblical ones

¹⁰ According to an ancient tradition found in Babylonian Talmud *Menahot* 6b and *Tikkunei Shas* 1 Samuel section 130, David was stricken by a disease brought about by starvation and ate the Sheve Bread because he would likely die if he did not eat large amounts to cure his condition. There was no other food available in huge amounts. The Jewish tradition uses the story of David to justify the general principle that only the possible saving of life can override the Sabbath. It is not claimed in the Gospels that the disciples were on the verge of death—but "tsad heter" is correctly implied: there are cases when one is in dire need of eating that over-ride the biblical law stipulating non-priests may not eat the Shew Bread. "Tsad heter" is a technical phrase that means there is one case in the category of forbidden rules when certain rules are relaxed (e.g. to save a life), so the inference of the Gospels is that in the application of scribal legislation to guard the Sabbath, the scribes certainly provided certain times when the rules may be relaxed (viz under conditions of watchfulness). Matthew adds the case of the Temple because that model was directly connected to the Sabbath, whereas the more original story of David's consumption of Shew Bread requires the intervention of abstract generalizations for its Sabbath connection. The *Tikkunei Shas* citation makes that connection as do the other Gospels.

would come to be infringed.¹⁰ So this shows indeed scribal laws can be infringed where there is watchfulness (the awe of the Temple itself provides such). Jesus argues the Son of Man is greater than the Temple, which must mean his own presence on the scene provides more watchfulness than the presence of Temple authorities in the Temple would—and so the scribal infringement would not apply in this case either. The Pharisees were likely somewhat less than enthusiastic about this answer,¹¹ but they have been assured by the type of argument that the infringement is of a scribal nature and there was supervision to see that no biblical laws were violated. Again, there would be little warrant here for any condemnation save that the Pharisees would not have accepted Jesus' claim that his presence would guarantee no laws would be broken. Similarly, Babylonian Talmud *Shabbat* 29b refers to the upper chamber of the house of Nithza in Lod (noted in many places, e.g. Babylonian Talmud *Sanhedrin* 74a) to be the chamber where the supreme court of elders decided many problematic issues. Here the elders did not protest Rabbi Yehuda's trespass of a rabbinic enactment as the Sabbath approached. The circumstances somehow obviated the law. Maimonides, in his commentary to Mishnah *Shabbat* chapter 2, explains that the sages of the court who met here were alert, watchful and vigilant so as to guarantee no biblical laws would be broken in those Sabbath sessions (probably lectures) which were held under their auspices in this particular place.¹² Therefore the reason for the enactment (i.e. suspected negligence) did not apply and they said

¹⁰ See Babylonian Talmuds *Megillah* 11b and *Shabbat* 20a.

¹¹ The Gospels are useful here in providing the scribal thinking behind "eyn shvut batnikdash" and "lo hananim zman ha'oz" which are principles applied by later authorities to early laws. The Gospel evidence shows the aptness of these applications.

¹² It is unlikely that the idea of permitting laxity in that place was the invention of the Talmud's editors. The whole idea of such laxity runs counter to the thrust of talmudic civilization and proves embarrassing in its permissive attitudes. The very next line in the Talmud cautions the elders in the upper chamber for remaining silent in the face of one taking liberties with scribal laws. Rabbi Moses Feinstein, in his *Dikrot Moshe* commentary to Talmud Shabbat 29b cannot accept the words as given in the Talmud without his positing very unlikely circumstances to account for the permissive attitude. Hence, it is unlikely the point that this chamber was exempted, on this occasion, from a cabalistic Sabbath law, has been added by an editor. It is the type of thing a censor would remove not add. Rather, it likely reflects ancient scribal customs concerning relaxing non-biblical legislation. It seems obvious that the scribes, open to the accusation that they were hypocrites by enacting rules and then exempting themselves, would have abolished this questionable practice. But the vestiges of such exemptions in places of vigilant authority are preserved in the Talmudic version of the *Tosefta* and in the Gospels.

nothing about the laxity.¹³ In sum, there is nothing at all to learn from these Jesus/Pharisee debates, if seen out of their later literary contexts. Originally, they might have been preserved to show Jesus' mastery of Jewish law and humane application of it. Concerning which cases of healing the majority of sages in the 1st century would have ruled leniently and which ones they would have ruled stringently is a matter of speculation since the rabbinic evidence shows a variety of approaches where there is no danger to life or limb and not too much pain. If laying of hands was considered medicinal or not also seems to have been an issue. Suffice it to say the rabbis did not argue from cases of animals to humans. In general however one finds that where there is no pressing need to perform an act forbidden by the scribes that such acts were proscribed. The Gospel of John, chapter 7, has a veiled reference to poorly reasoned arguments and may be referring to the Synoptic ones. At any rate, the cases the Synoptics report that Jesus used as the point of departure for his arguments are consonant with scribal law and it may well be that his arguments would have been acceptable for him, but probably not endorsed, given the wide latitude that was available for dealing with scribal enactments. No divine laws, written or oral, were threatened by the kinds of healings that Jesus was said to have performed. There could be little cause for unhappiness with these approaches.¹⁴

4. JOHN

John 7:21-24 relates:

So Jesus answered them, "I did one deed and you all marvel at it. Moses gave you circumcision and you circumcise a person on the

¹³ This passage is similar to Tosefta Shabbath 2 which however lacks mention of the vigilance of the court. The Tosefta may be an edited version since the old idea that rabbinic rulings might in some cases be suspended is nowhere else to be found except here. The language of the Palestinian teaching in the Talmud is also suspect as it utilizes Babylonian Aramaic. The reading in the commentary of Rabbi Haunanel is superior and it is likely that there was some such teaching in early times which fell out of the Tosefta. Similarly we find cases where certain rabbinic laws are suspended for priests since they are diligent; and amongst the groups at Passover sacrificial meals where people are watchful. We note certain rabbinic laws may be suspended in these cases but never biblical laws.

¹⁴ Especially since he administered no medicines or herbs.

Sabbath. If on the Sabbath a person receives circumcision, so that the Law of Moses may not be broken, are you angry with me because I made a person's whole body well?

The Jewish source for this very argument is found in *Tanhuma Masser* I and other sources that show *Tanhuma* to be an early *baraita*⁴⁵ which is very close to the wording of John and states:

"It is literally written concerning circumcision "And on the day, the eighth, he shall be circumcised."⁴⁶ "He shall be circumcised" and even on the Sabbath. Now we can argue if circumcision, which concerns setting just one of the 248 limbs of a man, is done on the Sabbath, so the whole body of a man all the more so can be set right."

The mention of 248 limbs seems to me to be a later addition, note the wording of *Tosefta Shabbat* 16:16. "Based on the fact that *one limb* of circumcision pushes away the Sabbath, so therefore *and all of him* shall surely push aside the Sabbath!" The more popular version of this teaching clarifies this tradition. We find it in a *baraita* in Babylonian Talmud *Shabbat* 132a:⁴⁷

"And on the day, the eighth, he shall be circumcised"⁴⁸ even on the Sabbath. I might have understood the verse "Those who desecrate it [the Sabbath] shall surely die."⁴⁹ to refer to cases other than circumcision. Or perhaps this is not its sense. It could mean we are to include the case of circumcision [as a desecration]. We could then understand the words "on the day, the eighth, he shall be circumcised" to mean "unless that day is the Sabbath". To settle the issue we find an apparently redundant expression is to be made useful and understood thus: "on the day" to declare "[Circumcise] even on the Sabbath day".

The sources we have seen go on to make the point that since circumcision is permitted on the Sabbath then Sabbath healing, the restoration of health, is certainly to be permitted.

⁴⁵ Also see *Tosefta Shabbat* ch. 16, *Tanhuma Yitro* 8, Babylonian Talmud *Yoma* 85b and *Shabbat* 132a. This latter source cites the same saying as *Tanhuma Masser* and refers to it as a *baraita*.

⁴⁶ Leviticus 12:3.

⁴⁷ See Babylonian Talmud *Shabbat* here for a very detailed explanation of the hermeneutic involved here. Also see *Yerushalmi Nidah* 3:9, *Sifra Tazria* 1:11 which is the source of the *baraita*. Cf. *Tosefta Yoma* 15:16, Babylonian Talmud *Shabbat* 132b and *Yoma* 85a, *Mekhilta beginning of Ke Tischa*, *Tanhuma Masser* 1.

⁴⁸ Leviticus 12:3. The literal phrasing here is important in that "the day" stands as an emphatic unit—precisely that day.

⁴⁹ Exodus 31:15.

Summary

In the passages above, Jesus addresses his opponents, "Do not you do this too!" In John, the passage is not phrased "I-you" but rather as impersonal law and ends with the warning, "Do not make facile arguments".¹⁰ Jesus's argument with the Pharisees in the Synoptic healing passages must be seen as assuming the tenets of scribal law. If Jesus does not accept scribal law, he will not convince his opponents and also the rhetorical features of these passages will make no sense. The question put to Jesus is: In cases where there is no immediate threat to health and immediate unbearable pain, how can you permit healing? The accusation against Jesus's healing on the Sabbath must be in the light of scribal law. The scribes forbade elective healing¹¹ lest one think one could pound herbs and drugs to cure a person whose life or limb or organ is in no danger¹² and come eventually to permit "grinding herbs" in such cases (which were considered biblical prohibitions).¹³ To cure a sick person whose life or limb or organ may be in danger is not only permissible on the Sabbath but mandatory.

In every case, Jesus permits the abrogation of Sabbath laws by using the *a fortiori* hermeneutic operation of "kal vohomer". In Matthew and Luke this generally means "you permit forbidden things in cases of animals, so all the more so you are to permit forbidden things in cases of humans".¹⁴

Why are there so many defenses offered in the Gospels and no one defense is repeated in the near parallels? All the positions in the Gospels can actually be refuted and the conclusions challenged. The point¹⁵ is that the permission for "hefsek meruba"¹⁶ is only applicable to cases where people will not listen to prohibitions when their property is in danger and so we legislate ways for them to save their money by setting aside the least serious of scribal infringements.

¹⁰ Does John know the arguments of the Synoptic Gospels and include those here as "faile arguments"?

¹¹ See Babylonian Talmud *Shabbat* 53b and 103b.

¹² This is spelled-out clearly in Luke 13:14 where a woman was crippled for 18 years here and the healer is told to come back on a week day and do the cure. The condition was not worsening and presumably the pain was by this time quite habitual and not severely Ich.

¹³ Babylonian Talmud *Shabbat* 53b.

¹⁴ See the brief and inadequate comments provided by Finkel, (1964) 171-2.

¹⁵ *Contra Matthew* 10.

¹⁶ I.e. appreciable monetary loss.

A case in point would be giving a Gentile one's wallet on Friday afternoon or even when Sabbath begins to carry to one's house on the Sabbath. If none was available then one is allowed to put it on one's own donkey (over-riding scribal law not to have animals carry) to carry it on the Sabbath. The idea was that if one is told to leave the wallet where it is he/she may be tempted to carry it and transgress the divine Sabbath law and not just the scribal law.⁷⁷ This is the rationale for suspending scribal law in cases involving monetary loss on the Sabbath. Jesus' claim that human life is of more value will not hold here. The dispensation was not based on "value" but on human unwillingness to cope with loss. So his argument could be shown to be faulty. One cannot argue a case of oranges from a case of apples. Likewise, in the case of the "withered hand" one would not come to violate Sabbath law as one would specifically for monetary loss. No loss is envisioned here. As for relieving fright,⁷⁸ animals panic and suffer, humans can cope better, especially if their condition has been long term. Thus the Gospel arguments can be refuted. As for untying knots⁷⁹—the sick person is not like an animal since he/she is not prevented from eating.

So, perhaps there are several defenses offered in the Gospels because the original authors were aware of these problems and possibly for this reason Mark omits any defense at all. Maybe John knows these weaknesses and so has Jesus proclaim a pharisaic teaching concerning divine law and not scribal law. John argues if you worry about one limb of the law and suspend on its account the Holy Sabbath⁸⁰ so you should suspend the Sabbath to save all the limbs of a human.⁸¹ While the conclusion is not to be easily contested and the argument has merit, did John not know this was already an accepted teaching of the scribes? Or is he telling us that not only is this exegesis meritorious and better than other teachings to the same end but also Jesus originated it!

⁷⁷ See Babylonian Talmud *Shabbat* 153a.

⁷⁸ Contra Luke 13.

⁷⁹ Contra Luke 14.

⁸⁰ Even though the circumcision would still be valid the next day.

⁸¹ Even though the saving could be delayed.

The Debate: Mark 7:1-23

We have looked into the workings of debate rhetoric in the Gospels and we have seen there are very strong indications that these debates often centered about the mechanics of certain scribal laws, not always dismissing them but often engaging them for clarification. We have seen that regular debate rhetoric has prevailed in most of the instances above in Luke and Matthew. In my reading, Jesus was even able to say he had no quarrel with scribal law and that he himself should not be deemed guilty of disregarding it. Such passages are not present in Mark and presumably were purposely excluded. Mark has a clear field to denounce scribal laws. He will even go further and suspend biblical law.

Three Jewish Laws

I. WASHING HANDS

Mark 7:1-7:5 relates^{b2}

The Pharisees and some of the scribes coming from Jerusalem gathered to him. Seeing that some of the disciples eat the bread with unwashed hands, that is unwashed, for the Pharisees and all of the Jews^{b3} do not eat unless they wash their hands with "their fist,"^{b4} keeping the TRADITION OF THE ELTERS, and when they come from the marketplace, they do not eat anything unless they wash, and there are many other things they have taken to observe, immersing^{b5} cups and pitchers and kettles and beds.^{b6} The Pharisees and scribes questioned him: Why

^{b2} I am using here, with slight modifications, the fine translation done by Peter S. Zank.

^{b3} Since Pharisees are Jews too the phrase "and all of the Jews" seems to be a later addition to an earlier source. Both here and in Matthew 15:2 this ritual is said to be "tradition of the elders" thus pharisaic.

^{b4} Ladels for handwashing were measured by fistfuls. See Babylonian Talmud *Shabbat* 62b.

^{b5} When these objects have been ritually defiled, not just by biblically ordained defilements but even by a defilement of scribal origins (such as when handled by *an am ha-aretz*, one lax in the fulfillment of scribal purity enactments) they were immersed in a *miqrah*, a special bath. The last chapter of tractate *Hagigah* discusses the particulars of these immersions.

^{b6} See Babylonian Talmud *Shabbat* 84a-b.

do your disciples not walk according to the TRADITIONS OF THE ELDERS,
but eat bread with impure hands?

The washing of hands with a specified amount of water from a vessel before eating bread is a requirement of the scribes. It is reported that Elazar ben Hanoch was excommunicated for taking the matter lightly.⁶⁷ Unwashed hands are scribbally considered "defiled hands" but in point of fact no one suggests that they really render plain common food ritually defiled. Mark 7 notes that the original charge against the disciples was that they eat with defiled hands.⁶⁸ He then explains this to mean they eat with unwashed hands. "Defiled hands" is simply a way to say "hands that need to be washed". Matthew has just the version "unwashed hands". The washing of hands before meals is an ancient scribal tradition.⁶⁹ There is no reason to suggest that ordinary food⁷⁰ eaten with unwashed hands will ritually defile anything.⁷¹ Thus, Mark's explanation is correct.

Luke, who seems to follow his sources (twice he presents Jesus defending himself using scribal legal principles) surprises us in Luke 11:37ff. Here an hospitable Pharisee invites Jesus to dine. In this version, it is Jesus who does not wash his hands.⁷² Some Pharisees required hand washing, not only for bread⁷³ but also for drinking wine which came before the bread. Even in a later generation the School of Shammai would insist on this washing. Jesus goes on to insult his host who looked surprised to see him ignore the practice

⁶⁷ Mishnah *Keriat 5:6*.

⁶⁸ The Scribes decreed unwashed hands would behave as if they were of second degree impurity—not by Torah rules, just within their own safeguard systems.

⁶⁹ Babylonian Talmud *Yoma* 105a, 106a.

⁷⁰ I.e. non priestly offerings.

⁷¹ Babylonian Talmud *Sotah* 3b. The Scribes did not claim this. We note here that unwashed hands, by scribal innovation, could render the outside of a wet vessel "defiled by decree". Hands were declared to have a second degree of impurity (Babylonian Talmud *Berachot* 52a) which then rendered liquids as first degree impurities. The liquid would render the outside of the vessel impure but not the insides. The metal vessel, by further rabbinic decree, would become a second degree impurity and could contaminate liquids on the table or on a vessel into a first degree impurity and then hands which touched these into a second.

⁷² Not the disciples as in Mark and Matthew.

⁷³ See Babylonian Talmud *Yoma* 13b for the rationale—since priests ate "truma offerings" the scribes decreed their hands were of second degree impurity which would render the "truma bread" defiled for their use. In doing this all priests were required to wash their hands before eating bread. To make sure this would happen they decreed as a matter of course that everyone, including non-priests, should also wash.

of washing hands, "Now you Pharisees clean the outside of the cup and plate but your inside is full of theft and wickedness. Fools, did not He who made the outside make the inside also?"⁷⁴ Then give the inner things as alms and behold all things will be pure for you." Pharisaic law claimed that if someone touched the outside of a wet metal eating utensil with unwashed hands the outside of the vessel would come to be "scribally defiled." Although it certainly was not defiled by Torah Law, the vessel still required a "scribal ritual washing" before being used again. The inside of the metal cup would not become defiled in scribal law.⁷⁵ So only the outside needed ritual washing. The Rabbis required washing hands for eating bread, anything dipped in liquid, and some Rabbis said even for touching cups with liquids in them. This section in Luke reverberates with the idea in Mark 7:15 and shares the same sentiment.

The hand-washing confrontation scene in the Synoptics occasions discussions of pharisaic law and pharisaic personality traits. They result in Jesus antagonizing the Pharisees. The venom portrayed in the Lucan scene is much stronger than the dismissals of pharisaic law in Matthew and Mark. Jesus' behavior in Luke is very hostile to Pharisees as a group. The assault appears contentious, even deserving of the pharisaic wrath that it occasions. Jesus was a guest and guests are not supposed to outrage their hosts.

2. HONORING PARENTS, VOWS AND OATHS

Mark 7:6-13 relates:

He said to them: Well has Isaiah prophesied concerning you hypocrites, as it is written: THIS PEOPLE HONORS ME WITH LIPS BUT THEIR HEARTS ARE FAR FROM ME. VAINLY THEY WORSHIP ME, TEACHING HUMAN COMMANDMENTS AS TEACHINGS. (Isaiah 29:13)⁷⁶

⁷⁴ Compare *Thomos* 89. The justification for the scribes ruling is found in Babylonian Talmud *Babylon* 38a. Whereas impurities concerning Torah law affected a whole vessel, inside and out, scribal law ruled that for impurities which they had invented for various reasons did not work that way. If the outside of the cup was rendered unfit this did not render the inside unfit, but if the inside became unfit then the outside also was unfit.

⁷⁵ In order to show the impurity is scribal, Torah impurities would affect the outside and inside of cups equally. See Mishnah *Akhim* 25:1; *Tosefta Akhim Babba Batra* 3:1; Babylonian Talmud *Pesahim* 17b.

⁷⁶ As in the reading of the Septuagint. Compare *Testament of Levi* (in *Testament of the Twelve Patriarchs*, 14:4).

Shunning the commandment of God you keep the tradition of human beings. He said to them, "Do you do well to set aside the commandment of God in order to hold your TRADITION?" For Moses said HONOR YOUR FATHER AND YOUR MOTHER AND ANYONE WHO CURSES HIS FATHER OR MOTHER SHALL SURELY BE PUT TO DEATH. But you say, IF ANY PERSON SAYS TO HIS FATHER OR HIS MOTHER, "WHATEVER IS DUE FROM ME IS KORBAN, THAT IS A GIFT" [BEHOLD THIS A VOW]. And you no longer permit him to do anything for his father or his mother, nullifying the tradition of God by your TRADITION WHICH YOU HAVE RECEIVED. You do many such things as these.

A primary vow declaration is a declaration of offering to God. This declaration places the dedicated object in God's domain. It created a new status for the object which then could not be used for secular purposes. If one dedicated a Free-will Offering to the Temple, then he declared a primary vow.

If one wanted to deprive use of his property to another, the Rabbis devised formulas for saying this object is "dedicated" and out of your use. Thus if you use it - you are guilty of trespassing against dedicated items. The purpose of the secondary vow formula was to make a comparison between a dedicated object from which one could not derive benefit and a restrictive condition one placed upon one's private property. If one forbade himself/herself enjoyment of some food by saying it was now as if it were a Free-Will Offering, then that person declared a secondary vow.¹⁷ That is to say, according to scribal practice: the oath was a means by which one placed an obligation upon oneself - the person - to stay away from a designated holding.¹⁸ the vow turned a designated object into a forbidden substance for individuals named in the vow.¹⁹

The Gospels²⁰ complain that Pharisees do not consider oaths as seriously as they should. For instance, oaths mentioning all objects associated with God should be equally binding. The Gospels may indicate that these oaths were popular in the 1st century. The Gospels assume "korban" to be a binding oath term not only a vow term. The Rabbis discuss cases in which the terms for vow and oaths were interchanged.²¹

Now oath forms and vow forms were used to forbid another from

¹⁷ Babylonian Talmud *Nedarim* 11a.

¹⁸ Eg. like cream pie

¹⁹ Eg. my car is "as off-limits as a sacrifice would be" in respect to my son.

²⁰ Eg. Matthew 23:16-22.

²¹ Eg. Babylonian Talmud *Nedarim* 77a, *Hulka* 2a, *Nekdet Rabba* 5:2.

using one's property.⁵² Vows could interfere with biblical injunctions since they were not considered as oaths which could not over-ride Scripture. However some scholars see the issue in Mark 7 as reflecting on scribal vows in general and they question if Jesus distinguished between vows and oaths. Numbers 30:11 mentions the vow and oath together. And Leviticus 5:4 speaks of oaths used like vows to deprive oneself of benefiting from his own possessions.

The truth of the matter is that the identification of oaths and vows in the New Testament mirrors their interchange in popular usage between the two. Matthew 5:39-37 says "Thou shalt not swear falsely but shall perform thy oaths⁵³ to the Lord." This is a version of Deuteronomy 23:23-24 which reads "vowed"⁵⁴ to the Lord". Hence the Gospels do not see differences in method for vows and oaths which have a single purpose - to regulate one's behavior. Matthew 23:18 tells us that even Pharisees recognized that "whoever swears by the offering is bound by the oath". In scribal law, an oath form is not to be used as a vow in dedicating gifts to the Temple. In human dealings the Rabbis debated the status of popular forms of oath.⁵⁵

Confusion of forms is not likely since Josephus, *Against Apion* 1:167, also notes that *korban* can be used for oaths. However, it might be argued that Josephus might not differentiate the two for polemical purposes. He was trying to equate korban, mentioned in an ancient source to have been used in ancient oaths, with the word Jews use. That identification was to his advantage to prove the antiquity of the Jews. He might have been somewhat forgiving in the lax usage, realizing that the source he was citing might itself have been inexact in its usage. The Gospel evidence does support the idea that some did consider the *korban* oath as a binding oath and not a vow. It would

⁵² The mechanism of the scribal law may be understood in one of three ways: 1) that the son has actually dedicated his belongings to the Temple, 2) that only what his parents would use is actually dedicated to the temple, 3) that what his parents would use is legally equivalent to something dedicated to the Temple but the property remains, in actuality, not dedicated. Most scholars accept the third position since it precisely matches rabbinic thinking on these issues. Moshe Benayahu (1998) argues the second position to be the case. The first position would create a contradiction. Would someone dedicate all his property to deprive his parents and if so would Jesus have really complained? This is not an instance of following human law at all but simply of physically giving away everything one has.

⁵³ Greek "horkeous."

⁵⁴ MT "ndr", LXX "eikas."

⁵⁵ Mishnah *Sanhedrin* 3:2.

have meant "May He to whom [] sacrifices are offered punish me if I break my oath." The rabbinic evidence (in *Yerushalmi Nedarim* 1:4, 2:1 and *Tosefta Nedarim* 1:6) specifically omits "korban" as an oath envisioned in the Torah. S. Lieberman (1965, pp 130-137) analyzes the passages. However, the Talmud indicates that such an oath has to be respected since people use it and rely upon its intent.

A person could not take two contradictory oaths: One first took an oath stipulating that he/she would definitely eat bread on Mondays. A later oath stipulating that this person would eat things but not eat bread on Mondays could never take effect. While one oath was in force, a contradictory statement could never be an oath to bind the person. However, if that person took a later vow stating that benefit from bread all day on Mondays was a forbidden substance, that vow would be binding. What would happen would be that the person had an obligation from the oath to eat bread on Mondays, yet when that time arrived all bread became taboo for him/her. There was no available bread. The vow came and "burned up" the bread he/she was obligated to eat. Hence the person is forced to violate the oath. The vow has placed a condition upon the object which separates it from the person. The obligation still remains in force although in practice the person cannot fulfill it.⁶⁶

The scribes understood that the corporate community of Israel was bound by its standing oath to "keep and obey"⁶⁷ the Torah, an oath which was uttered at Sinai. In effect each Jew by virtue of his corporate Jewish identity has taken an oath upon himself to obey the laws of the Torah. No oath could supersede this earlier oath. Yet, a vow which placed conditions upon objects would be entirely separate from the Jew's obligation that bound him/her. Even if the vow would remove the object by which to fulfill the Torah, the vow had to be respected. There was no impediment to negate the vow from removing the object from the person's use. There were corporate concepts at Sinai which applied to specific objects used for fulfilling commandments. Sinai obligated people, not objects. Hence even though the obligation to perform commandments was always present, the object necessary to fulfill the commandment might be

⁶⁶ Babylonian Talmud *Nedarim* 16a-17a, 10a; Babylonian Talmud *Shevuel* 25a-27a; Babylonian Talmud *Makkot* 3b; *Nazir* 4a.

⁶⁷ Exodus 24:7.

removed, i.e. removed by the act of taking a vow, from the person's ability to use it.¹⁸

Babylonian Talmud *Nedarim* 6:4a-b acknowledges that if one vowed his property was "as if dedicated to the Temple" in respect to his parents, the commandment of honoring his parents remains but the person has nothing that he can give them. Matthew 15:3-7 and Mark 7 share a common tradition rejecting this stance of division between oaths and vows. It can lead to legal circumvention of important commandments.

What then are we to make of the exchange in Mark 7:1-23? It follows a general form for debate to disprove a position. In the entirety of rabbinic literature we will not find an example of a Rabbi destroying the system of rabbinic law as Jesus does in Mark 7. Nevertheless, we can find many examples of debate where the hero refuses to acknowledge a premise that is not his own. Let us consider the text at the end of *Yerushalmi Gittin*¹⁹ and Babylonian Talmud *Shabbat* 6:4b. The ancient law had been promulgated that a woman must refrain from applying make-up on days when she was legally prohibited from sharing her husband's bed. This ruling was convenient for the Shammaitic view which prohibited divorce unless adultery had been suspected with a degree of certainty. But Rabbi Akiba found himself in debate with someone who maintained this was the meaning of Leviticus 15:33. We know that the opponent cited the view of the "early Second Temple authorities" that prohibited make-up to be worn at this time. Rabbi Akiba argued with the opponent, "You people are forcing women to be unattractive and their husbands may well come to divorce them." Rabbi Akiba was maintaining the Hillelite view which allowed divorce even without adulterous allegations. He then gave another interpretation to Leviticus 15:33.

What has happened is that Rabbi Akiba accused his opponent of causing a social ill that did not fit into his conception of the great message of the Torah in Leviticus 19:18: "And you shall love your neighbor as yourself": Rabbi Akiba said this was the guiding principle of the Torah.²⁰ On these grounds he over-ruled a time honored custom that even Hillel himself had not over-ruled and he

¹⁸ Babylonian Talmud *Nedarim* 13b, 16a-17b; *Shevuot* 27a.

¹⁹ Talmud *Yerushalmi Gittin* 9:11.

²⁰ *Yerushalmi Nedarim* 9:4.

offered a new and rather unnecessary exegesis of the verse. He did not enter into more proof in his position than just stating that the opponent's rules ran contrary to God's will. And he assumed that all would agree that marital strife was something that the Torah could not legislate but it ran counter to God's will. No scribal exegeses can over-rule God's desire for familial tranquility. According to the Synoptic Gospels Jesus argues from the standpoint of *grand principle* and ignores the justifications of the other side. But Jesus, so say the Gospels, couples this with personal attack against the scribes as a whole. So the attack of the Synoptic's Jesus against the Pharisees is not necessary to prove his point about the law of vows/oaths and this is not his purpose. The purpose is to illustrate how wicked the Pharisees are for subscribing to this particular scribal law. And so according to the Gospel writers Jesus harangues against the case which to his mind annuls an essential rule in the Torah.

This is how Mark, in essence, paints the scene:

GOD SAID: Honor parents.

YOU SAY:²¹ If this was not "dedicated" I would have given it to my parents.

I SAY: They have to be honored anyway.

Since the purpose of scribal law was to protect God's Torah law, Jesus says – Look I am the real protector, not you at all. Your traditions break the Torah.

We will have to explain how it comes to be that Jesus is said to have annulled biblical laws concerning pure and impure foods. The notice to this effect in Mark 7:19, must be taken as one original form of an early Christian tradition but not very words of Jesus. It has support from *Thomas* 14. Koester (1994) is correct to observe: "For the composition of written Gospels, this implies that the establishment of a biographical framework may fundamentally change the form and function of a piece of tradition because it is now transferred from its situation in the life of the community into the context of the life of Jesus." Most likely these are not Jesus' words but the churches' words retrojected back into the mouth of Jesus.²² It is

²¹ You Pharisees say.

²² See H. Koester (1994) 296. In some cases *Thomas* is more reliable than Mark. Koester gives priority to *Thomas* 31 against Mark 6 which has changed the saying. The reasoning was already present in Bultmann (1968).

certain that Peter, according to Acts 10, did not at all think Jesus had abrogated any food laws and was reluctant to eat at the house of Cornelius until he had a personal vision allowing him to eat foods forbidden by Jewish law.

3. PURITY

Mark 7:14-19 relates:

Calling the crowd together again, he was saying to them, "All of you hear me and understand. There is nothing which goes into a person from outside" ¹⁴ which is able to make him impure, but it is the things which are coming out of a person which are making him impure." When they went inside, away from the crowd his disciples were asking him about the parable. He says to them, "So you also lack understanding! Do not you know that everything coming into a person from the outside is not able to make that person impure for it does not go into the heart but into the stomach and goes out into the latrine, making all the foods pure."¹⁵ By these words Jesus pronounced all kinds of food clean.¹⁶

And Mark 7:20-23 relates by way of explanation:

But he was saying, "The thing which comes out of the person, that thing makes the person unclean. For the evil thoughts come out of the hearts of people: fornications, thefts, murders, adulteries, acts of greed, evils, guile, licentiousness, an evil eye, blasphemy, arrogance, stupidity. All these evils come from inside and make the person impure."

There are two kinds of desilements in Scripture. The first is ritual desilement such as that contacted by eating carrion¹⁷ or that by exuding certain bodily fluids.¹⁸ The second is moral impurity which

¹⁴ The very statement that purity laws are legal categories and not physical categories appears also in Numbers Rabba 19:18 and is attributed to Rabbi Yochanan ben Zochai who lived in the First Century.

¹⁵ Rendering them putrid, *savach*, and therefore the impurity is null and void see Babylonian Talmud *Pesahim* 20a.

¹⁶ J. Zeitlin 1988: 79 argues on the basis of Acts 10:14 and 15:29 that these words are purely the invention of Mark and do not at all reflect authentic Jesus tradition.

¹⁷ Leviticus 11:40.

¹⁸ Leviticus 15:2.

results in idolatry, sexual lewdness, murder and the like.⁹⁸ Jesus apparently upset the Pharisees by declaring a puzzle: Impurity is not that which comes into the body but only that which leaves the body. The Pharisees probably understand He has posed a riddle but are upset that it is at the expense of Torah rules held dear to them.

When the disciples ask him the meaning of his riddle it turns out that Jesus is not talking about ritual impurity at all but only about moral impurity, those deadly sins that begin in the evil imagination and are moved into treacherous deeds.⁹⁹ That is the solution to the riddle.¹⁰⁰ Jesus says that ritual impurity cannot morally defile. In this passage we cannot separate the ritual from the moral in any way other than semantic terms or we miss the point. The attack against moral impurity is at the center of the argument.

In Luke, Jesus does not condemn this pharisaic rule—he says: Very fitting for Pharisaic law to decree that if someone touched the outside of a wet metal eating utensil with unwashed hands the outside of the vessel would come to be "scribally defiled" and require "scribal ritual washing" on the outside. The inside of the cup would not become defiled. This was unlike Torah impurities which affect the outside and inside of cups equally.¹⁰¹ Pharisees, says Jesus, are likewise hypocrites,¹⁰² acting pure and washed on the outside but on the inside remaining untouched and said to be pure. This is as if to say: "Your laws show your character. You are like your vessels. On the other hand, people who are charitable on the inside have a purity that spills over and shows on the outside. Good extra-biblical law should recognize that such people's vessels remain pure on the outside too. As long as the insides are pure, the outsides should not be able to be rendered impure on their own account. But Pharisees too are like their cups." For Jesus, the purity dining-laws illustrate the

⁹⁸ Eg. Psalms 106:39.

⁹⁹ Cf. Babylonian Talmud *Tuma* 39a.

¹⁰⁰ For the notion of the rabbinic riddle see H. Bassar (1986: 117-134).

¹⁰¹ See *Mishnah Kelim* 25:1; *Tosefta Kein Babba Batra* 3:1; Babylonian Talmuds *Pesahim* 17b and *Bekhorot* 38b.

¹⁰² Indeed in Babylonian Talmud *Shabbat* 139a one can find Biblical verses interpreted as if referring to a class of corrupt judges. While our current texts identify them as boastful, the commentator Rashi calls them a class of "boastful Pharisees" and his text may have had this reading. Thus, the literature of the successors of the Pharisees approves of using Scripture to condemn unscrupulous, hypocritical judges and unethical scribes. It is noted they pervert justice. However, scribal law is not attacked, just fraudulent applications of it. Mark 7:1-23 goes beyond such attack in assaulting their legal system as well as their character.

real character of the dinner even in a pre-Freudian era. Thus he excuses his behavior by saying "I am not constantly wicked on the inside like you" and need no hand washing on the outside. So the washing of hands is not necessary for me. By turning the rule into a favorable allegory Jesus denounces Pharisees as a whole. This is not a forceful attack on the law but is just a differentiation of what rules apply to whom. Hand-washing for meals does not apply to Jesus.¹⁰¹

Thomas 89 states a tradition almost word for word that of Luke 11:39 Jesus said, "Why do you wash the outside of the cup.¹⁰² Do you not understand that the One who made the inside is also the One who made the outside?" Here the issue is again metaphorical. Your attention to physical externals (the outer body) is admirable, God needs you to pay attention to your inner soul as well. If anything, the point is not to condemn vessel purifications but to suggest that the inside of the cup also should be cleansed so that the ritual law and the moral meaning Jesus has assigned it are consonant.

The larger form of the passage and its general oratory can now be considered.

Form and Structure of Mark 7

a) Mark, Matthew and Luke

The position of the confrontation between Jesus and the Pharisees is framed in very much the same manner in Mark and Matthew. This leads one to believe that we have here original material common to Mark and Matthew, predating both. It is not likely that Matthew copied Mark verbatim since we can notice a basic difference in sentence order in a crucial spot of the debate¹⁰³ and some differences in wording.¹⁰⁴ Mark appears to push the debate into a

¹⁰¹ In Matthew 15:2 Jesus does not defend the disciples but attacks the Pharisees in general.

¹⁰² This is somewhat different than the case of Mark. The complaint here is not that the outsiders are sensibly subject to impurities, the complaint is that the insides are not subject to them at the same time unless they were wet and directly touched by a first level impurity.

¹⁰³ The citation from Isaiah introduces the entire debate in Mark, in Matthew it comes at the end of the diatribe of how Pharisees do not keep the Law of Moses and closes the section.

¹⁰⁴ Matthew and *Thomas* speak of things entering the mouth while Mark speaks

diatribe against all scribal law and even some biblical law, while Matthew is more intent in showing that Jesus upholds Torah Law and the Pharisees do not. The common setting for this in the two Gospels is the miraculous cures of Jesus that introduce the confrontation of the purity disputation. Indeed, the diatribe is set into the middle of the miraculous healing episodes. In Mark this setting makes sense since the purity and vow diatribe against scribal law will justify Jesus curing on the Sabbath. Matthew has justified Jesus's healing on the Sabbath without dismissing scribal law. Matthew's scene, placed in the midst of miraculous curing, where the popular charismatic faces the established guardians of correctness, is unnecessary, disturbs the flow of the narrative without need and seems out of place.

We suggest that there were two earlier versions of the placement of the purity dispute.¹⁰⁷ One, like Luke, in which the direct confrontation concerning purity and vows was not set into the healing scenes. This is likely the older tradition since we have no complete dismissal of rabbinic Sabbath law in the Gospels of Matthew or Luke although we have the literary positioning of other controversies in the midst of curing episodes in Luke. On the other hand, Mark or his source has used the inherited controversy (if he invented it he could have invented a dismissal of rabbinic Sabbath law directly) concerning purity issues and placed it in the midst of the curing episodes so that structurally the dismissals apply to Sabbath curing as well. Matthew, his source or a later scribe, has combined these two approaches.¹⁰⁸ Not all scribal law is evil, only those that thwart the concern Scripture demands to help others. The Pharisees have not lifted their finger to help them.

b) Explanation of the Form of the Passage

Jesus arrives at a town to perform his healing. Some Jerusalem Pharisees witness a few disciples transgressing scribal law. They ask Jesus about it. He retorts by making a speech. The center of attention

of things entering the person. Matthew, judging from the form in *Thomas*, preserves the more original form here. I. Zedlin 1988: 54 argues on the basis of Rist's theory of oral tradition in the early Church against Matthew's or Luke's dependency on Mark when they present similar materials.

¹⁰⁷ This is not what the majority of scholars of synoptic traditions believe but it fits well with ideas presented by John M. Rist 1978.

¹⁰⁸ Combining sources is not unusual for Matthew. See the discussion about the structure of sources for the parable of the mustard seed in Part III of this book.

tion becomes the citation from Isaiah 29:13. It is introduced by the notation that the Pharisees are hypocrites to complain of minor infractions of human law. The point is made "In vain they teach laws which are human decrees." This follows, with some deviation, the Septuagint version of Isaiah 29:13. The passage is now summarized to mean: You leave the commandments of God to keep the commandments of men. Thus the unit is complete.

Claim: You are hypocrites.

Proof: —An ambiguous reference to Isaiah which is then explained: THEY WORSHIP ME IN VAIN, TEACHING HUMAN COMMANDMENTS AS TEACHINGS (Isaiah 29:13ff).

Conclusion: You leave God for your own laws which contravene divine law.

One unit is drawn tightly. For Mark, The complaint is against scribal law in its totality.

The curtain begins to draw but the account continues, "And he called to the people and said to them". The riddle or second elcheia which follows draws the curtain down further— "Not the things that enter a person defile but the things which come out defile."

Then the scene shifts and Jesus is alone with the disciples, having returned to the house. Here the disciples question him and he answers with a complete litany of twelve items. These twelve evil personality traits defile the character of a person. Defiled foods do not defile the character. The scribal defilement is conceptual, not really physical defilement which causes effects, the things Jesus mentions are tangible defilements. So ends the scene. Jesus goes back to his healing and moves to another town. The scene returns to where it began when the interruption occurred. These Pharisees have been eliminated here and Jesus continues his pursuits.

Let us briefly note that the structure of Jesus's riddle is a familiar one in both Greek and Semitic rhetoric. "Not the things that enter a person defile but the things which come out defile." First of all we have a fairly common form $\neg A \wedge \neg B$ "a thing and its opposite". We can point to Paul's Greek statement Romans 14:7, "For not one of us lives for himself, not one dies for himself" followed by an example. We can also point to the Aramaic statement in *Avot deRabbi Nathan A*,¹⁰² "A name extended and a name terminated" followed by an

¹⁰² Chapter 12 towards the end.

example. These kinds of riddles are well known in rabbinic literature. In Babylonian Talmud *Shabbat* 137a we find Rabbi Kahana asking Rav questions and getting apparently contradictory paradoxical answers until the Rabbi provides examples for his paradoxes. We have here a cryptic adage and in its juxtaposition to Isaiah 29:13ff. It equates Jesus's statement with authoritative Scripture.

The riddle is in form only an answer to the Pharisees who criticized the disciples' flagrant disregard of scribal laws. In substance it is not a real answer and probably was not meant to be. It is meant to draw priorities rather than act as a dismissal of a harmless rule. The tone of the riddle is harsh and appears to say that many Torah purity laws are to be dismissed. Jesus cannot really be over-riding the authority of the Torah. He has just criticized the Pharisees for ignoring it. The resolution is in his answer. I am speaking of moral purity. He gives an unexpected solution to the problem. This is very much in line with talmudic methodology for reconciling phrases that look inconsistent. The cases which reconcile the problem are commonly called "ukimta". Jesus' *ukimta*, his startling but authoritative explanation, is shared only with the disciples. That knowledge marks them as Jesus's special students since they hold the keys to his cryptic teachings. "Not what passes into the lips but what comes out of the heart" is the essential point. The laws of God come out of the inner heart, the laws of man can only reach what goes into the outer lips. These laws cannot deal with what reaches the heart but with what only is processed eventually into excrement, which has no desiling ability. They are therefore neither here nor there. But if one replaces the divine laws of the heart, what collectively has become known as "hovat halavavot," by these human laws and forgets about them, then he/she is a hypocrite and a sinner.

Concluding Remarks

There is no question that the writers of the Gospels are theologians who have inherited theological traditions. Within these traditions they have, to one degree or another, shaped a story for the purpose, as form critics have argued,¹¹¹ of separating Jew from Gentile, Synagogue from Church. For Matthew, the Jews are the doomed. The Christians are the saved. That is the shaping motif and motive of

¹¹¹ See Vermes (1983) 19.

that writer. Matthew, a gentile, like the other Synoptic Gospel writers, held a stronger anti-Jewish bias while the others stood only in tension with Pharisaism.¹¹¹ The materials he inherited had probably been shaped in that direction from a slightly earlier period but with an anti-pharisaic bias in place of the anti-Jewish bias. The other Synoptic Gospels maintain their anti-pharisaic bias. A thorough examination of the Gospel debates in which Jesus confronts Pharisees, in almost all cases, will yield that Jesus virtually offers normative Jewish legal ideas.

How can we account for the Gospel material existing in its present state¹¹² and also for the ability for Christianity to have absorbed so many gentiles into it while creating an anti-pharisaic religion around the figure of Jesus? Why do Jewish sources look at Jesus as a renegade? What is it that the Gospels hide? Many have tried to answer that question. Was it that Jesus claimed salvation came by being in his company? Did he try to destroy the Temple? Both of these answers seem unlikely. However, it sometimes does happen that religious thinkers spawn movements that they themselves would not be part of. So *Avot deRabbi Natan A* ch. 5 and *Avot deRabbi Natan B* ch. 10 claim the students of Zadok and Barthes began the heretical movements of Sadducism and Baethosim. Some modern scholars note the students of Moses Mendelsohn deserted his attachments to strict personal piety. They still claimed to be his disciples even while formulating a reformed style of Judaism that was far from Mendelsohn's own custom. Some teachers, through their own humility and tolerance, fail to make their own point strongly enough and their well intentioned critiques of the *status quo* become mottoes in support of trends that are already in the air. The early layers of synoptic Gospel evidence do not show us a radical Jesus rebelling against pharisaic rules—not at least according to our earliest testimony of rabbinic traditions. Nevertheless, the later layers (with their sharp anti-pharisaic bias) do show us that by the 1st century debate between Jew and Christian was a common feature. In the final analysis, the division between statements of law and statements of invective might shed the most light on the problem of records of a Jesus who preaches pharisaic law yet who loathes Pharisees for their legal doctrines.¹¹³

¹¹¹ See Flusser 1988: 552 and 560.

¹¹² Showing conflict in legal matters.

¹¹³ It is truism that the logion of Jesus are the constants, and hence the inher-

ited materials. Among the three Synoptic Gospels while the editorial remarks, scene settings, and order of presentation are at the license of the individual Gospel writer.



PART II

THE NEIGHBOR YOU LOVE AND THE DECALOGUE: SPECULATIONS ON SOME TEXTUAL EVIDENCE FOR EARLY JEWISH POLEMICS

This chapter traces some anti-Christian statements formulated by Jews for debate purposes with Christians during the first four centuries of the Christian Era.¹ Some of the passages we will investigate are poorly preserved, have generally been misunderstood, and are rarely discussed. In many cases I will argue that we should emend several of the texts. We need to locate the social contexts of some passages in order to interpret them cogently. The methods used here do not pretend to be more than they are—plausible explanations of arcane passages. This presentation looks at a sample of materials to find the variations of a theme: debates between Christians and Jews from the Jewish sources centered upon the theme of love commandments.

While the works of Christians, in the first four centuries (and of course onwards), show very strong antipathy towards Jews and Judaism,² the works of Jews, which likely date from that same period, illustrate the nature of the Jewish response was markedly tamer in tone but not in substance. A considerable amount of work has already been done on the nature of Jewish Christian relationships from the 4th century onwards.³ Throughout most of the centuries from

¹ The literary texts at our disposal sharpen the fantasy each side holds of the other's low ground and the fantasy each side projects of his own high ground. They are self-serving documents but when read judiciously shed much light on the focus of controversy.

² One of the most curious of self-serving Christian works to come from the first four centuries is the *Dialogue of Timothy and Aquila* (*Dialogus Timothae et Aquilae*). A critical edition by Robert G. Robertson (Ph.D. Thesis, Harvard University, 1965, 434 pages) was completed in 1986 and an examination of its polemical stance was undertaken by Jacqueline Pastis in her University of Pennsylvania Thesis 1994, *Representations of Jews and Judaism in the "Dialogue of Timothy and Aquila": Content or Social Reality?*

³ Writers such as James Parkes, Frank Talmage, David Berger, Jeremy Cohen, Kenneth Suwe and many others have written perceptive pieces on these relationships but few have examined the Jewish materials in the earlier period.

the fourth to the present many Christian leaders succeeded in tarnishing Jews and Judaism, picturing them as inherently blind, evil, and rebellious. Judaism, throughout the centuries, was often seen as the arch enemy of Christianity.¹

In the early 4th century, Christianity became the religion of Rome, thereby hampering the Jewish stand against what was perceived as a threat to their existence as Jews. The Theodosian Code (xvi,8,1), as early as 315 C.E. enacted severe sanctions for Christians who became Jews and for Jews who assailed Jewish converts to Christianity. From this time onwards, Jews were placed at a disadvantage in their struggle to continue the argument with Christianity. Writing in 1932, Amos Hulen noted some 15 polemical treatises of early Christians which comprise an extended harangue "Against the Jews." He noted that we cannot at all find a Jewish literature "Against the Christians." He wondered if it is possible to reconstruct it from the abundant writings of Church Fathers although he did note that one may doubt, on the complete lack of evidence for such, that there ever was a corpus like this, or even a single tract. Celsus, the great pagan writer whose critiques of Christianity mentions Jews, never refers to any Jewish author who wrote against the Church. Hulen rightfully dismissed the many debates with Jews recorded by Church Fathers as being nothing more than romantic fictions where the Jews at the end see their errors and convert to Christianity.² These writings were aimed at wavering Christians to convince them of the solid truths of Christianity and were not meant at all to engage the attention of Jews and very likely did not.³

Hulen's observation that while the content of these debates as presented in the literature is fictive, the notion of Jews and Christians meeting for debates is likely accurate.⁴ It might be noted that Jewish literature does allude to such meetings. These meetings are

¹ See F. Talmage (1975).

² On the other hand, the medieval debates, for the most part formal disputations, echo the programmed material of the Church Father's fictions except that now Jews were expected to convert for real. What had been imagined earlier, but not reality, was in the Late Middle Ages forced to become reality.

³ Setzer (1994: 135-38) makes the case that Justin's dialogue with Trypho is not always so slanted towards the Christian view and allows us to see that the issue of observance of the Law was still a burning issue between Jews and Christians long after the First Century.

⁴ See Hulen (1932: 62 n. 6) for a review of the major dialogues contrived by the Church Fathers. The Jews in these figures are tools to assist in the rightfulness of the Christian interpretation.

portrayed as Christians engaging Rabbis in ritual matters of concern to them and do not focus upon the manner in which Christians interpreted the Hebrew Bible as foretelling the story of Jesus and the dismissal of the Jews from divine favor.⁸ Moore (1921) argued that the Christian sources are of no help in giving us the Jewish side of the debate. Hulen attempted to reconstruct the earlier material from the later. In later Church writings he uncovered the position of a certain Herbanus (apparently in the 5th century), debating an archbishop for four days in public. Hulen said, if this is a fiction it would show us a Christian persuasively arguing against Christian doctrines of supersessionism and the incarnation. He doubted this to be the case. Although Gregentius, the Christian protagonist, does not defeat his Jewish opponent, the Jew converts after beholding a vision and miracles testifying to the rightness of Christianity. Hulen surmises that the fantastic end is a total invention, to meet the accepted convention of Christian dialogues, but the substance of the debate may indeed be accurate.⁹ There is no reason here to suggest that this debate was entirely self-serving rhetoric. The Jew at the end of the debate presents very strong points against Christian doctrine. Hulen dated this debate to the 7th century. He suspected the Jewish counter-argument was too strong to write them verbatim in earlier centuries. By the 7th century, Christianity was long established and the author of the debate had no worry about publicizing an earlier debate accurately.

When we come to the Jewish end of matters, in the pre-Constantine period, we find an unmistakable counter argument to the Christian claim of the divinity of Christ in a single statement attributed to the 3rd century.¹⁰ However, there is no indication that this argu-

⁸ Babylonian Talmud *Avodah Zarah* 1a refers to Rabbi Abbahu living in proximity to "minim" and engaged in debate with them on the meaning of biblical verses. Rabbi Abbahu claimed it was the fact of constant debate that forced him to study Bible whereas most other Jewish scholars concentrated their efforts on the Oral Law. Several lines further (ibid.) we hear that Rabbi Yehoshua ben Levi was vexed by "minim" but discovered that God did not want him, a scrupulously pious man, to arouse divine anger against them.

⁹ Hulen (1932) 65.

¹⁰ It may well be that the expression in rabbinic literature "shlei rechmyot," "two dominions" rightly does refer to Christian doctrines of God and Christ. Certainly Simon and Segal make that case. If that case there exists some examples of rabbinic biblical exegesis aimed at refuting this doctrine. However, it is uncertain that all such references are to Christianity and it may well be the exegetical motifs are more anti-gnostic than anti-Christian. Wilson (1989) has presented the strengths

ment, based on a verse in Numbers was ever used in a debate. We will look at this midrash (concerning Balaam's warning about Christian doctrine) further in this chapter. On the other hand, we find in *Tosefta Shavuot* a report of a face to face encounter containing a veiled reference to the Christian claims about the rebelliousness of the Jews. There is also a debate concerning the rightfulness of circumcision.¹¹ In these cases, it is unlikely that the issues are fictitious. The debate scenes, as presented in midrashic Jewish sources, are simply to justify Jewish practices, held by Christians to be contrary to the divine will. They do not show us a severe attack on Christian theology or answer questions dealing with Christian interpretation of Scriptures.

It is true that there are a few reports of debates that seem to reflect Jewish and Christian concerns. While Rabbi Joshua and Hadrian might have had some interchanges about religion, it is doubtful if all the dialogues preserved in Talmud and Midrash are historical events. It may be that many anonymous interchanges were added to a *topos* of Rabbi Joshua and Hadrian dialogues which was based on some fact. One interesting passage is found in the compilation of midrashic sermons known as *Pesikta Rabbati* 21. Here Hadrian confronted Rabbi Joshua with an interesting proposition. Hadrian is said to have noted that Gentiles (likely referring to Christians) accept only the last five commandments in the Decalogue. While God's name is found in the first five, it is not found in the last five. God phrased matters this way, Hadrian claimed, in order to excuse Gentiles from infractions of the social commandments. A Gentile who broke a social commandment, the only commandments Gentiles had accepted, was therefore not explicitly challenging the authority of God and could not be held guilty of any capital offense. But since Jews were given commandments which contained God's name embedded in them, God would certainly hold their infractions against them as high treason. The Rabbi responded that the absence of the divine name in the social laws was for a reason other than to excuse Gentiles who might transgress them. God did not want his name embedded in

and weaknesses of this position in chapter 6 of his work. It needs to be noted that Celsus confirms that Jews argued against the idea of divine incarnation and their failure to observe scriptural law although they claimed Jewish Scripture as their own. See Setzer, 1994, 150.

¹¹ See *Genesis Rabba* 117 (*Pesikta Rabbati* 23). The same question was posed by Origin (See N. R. M. de Lange 1976, 9). Also see Justin's *Dialogue with Trypho*, ch. 11.

matters for murderers, adulterers and thieves. It was beneath his honor. That is why he did not place his name there and certainly not to excuse gentile infractions of social norms.¹² According to the story, the disciples of Rabbi Joshua found this answer too facile and after Hadrian left, the discussion continued between the Rabbi and his students. The topic of the last five commandments of the Decalogue, given to the nations, is addressed by the Babylonian Talmud *Kidushin* 30a-b as well as *Sifre Pezot ha-Berakhah*, piska 343. It appears that the issue if Torah laws applied to gentile Christians was much debated.

For the most part we cannot really date such material and those we can date with some confidence are not the materials of combative confrontation. Were lay Jews just uninterested in debates and so not much was preserved? Probably not. Most Rabbis probably thought it best just to ignore these debates except in some matters of ritual or idolatrous notions. Thus the debate material in Jewish materials may be parts of much larger dialogues. A few hints allow us to see that things were more complicated than the scant "Jewish Dialogues" allow for. Urbach found very few Tannaitic allusions to the theological attacks of Christians as portrayed in the debates of the Church Fathers.¹³ He did note Jewish Christians¹⁴ vexed Rabbi Meir and his wife, and also a few assertions that God had deserted Israel.¹⁵ We have to suppose the debates were much more extensive than the Jewish literature records. Tertullian (1953, 1337-1415) reports at the beginning of his *Address to the Jews*: "It happened very recently there was a dispute between a Christian and a Jewish proselyte. Alternately, with contentious cable they spun out the day until

¹² The point of the exchange points to a Christian/Jewish debate rather than a pagan/Jewish debate. Rabbi Joshua is often pictured in debate with Hadrian and so the *topos* is artificially continued in this vignette. The historical context of any such interchange is likely to have been a Jewish/Christian one.

¹³ Tannaitic sources are found in W. Bacher's *Die Agada der Tannaiten* i, 85 and generally deal with the question of whether or not God has abandoned Israel. The Ammaitic sources are listed in W. Bacher, *Die Agada der Palastinensischen Ammaitz*, i, 555f and ii, 115-18. The issues in this time frame now included the Trinity and Sonship and many points of exegesis.

¹⁴ For an analysis of problems in defining a Jewish Christian see J. Danlieu, *The Theology of Jewish Christianity*, London, 1964 and R. A. Kraft, "In search of 'Jewish Christianity' and its 'Theology.' Problems of Definition and Methodology," *Juda-Christianisme* (Paris: Danlieu Festschrift, 1972: 81-92).

¹⁵ See Urbach (1981: 292).

evening."¹⁶ That such matters had earlier antecedents is likely.

Claudia Setzer (1994) and Jack T. Sanders (1993) examined the pertinent debate literature concerning Jews and Christians and confirm the vigorous side of Jewish concerns while also noting some indications of pharisaic tolerance of the Christian movement. Both writers dwell upon Christian writings and in passing refer to what is by now the few standard citations from rabbinic literature which have bearing on the topic. Neither author is a scholar of rabbinic texts and they remained unaware of the possibilities of resoring fragmentary clues to debate material within the rabbinic exegetical tradition.¹⁷

It is true that Ludwig Blau (1905, 103), in his perceptive entry in the *Jewish Encyclopedia*, s.v., "Polemics", noted the good natured tone of interchanges between Jews and Christians in the Tannaitic period. However, Rabbi Moses Nachmanides may be correct on this issue. When he came to justify the need for a record of his debate with Fra Paolo in 1263, he noted the Babylonian Talmud *Sanhedrin* 43a (uncensored editions) contains an proto-typical episode of the Sanhedrin's severe debate with Christian Jews.¹⁸ Acts 21:21 refers to common knowledge that Christian Jews were being taught to abandon Moses, give up circumcision, and disregard scribal traditions. There was fierce debate about the matter within Christian circles as well.¹⁹

How do we account for the absence of the stark debate material in Jewish sources of the first two Christian centuries?²⁰ First, there

¹⁶ Translation is from Hulen (1932) 60. It is true that amoraic statements which are in the same period of the Church debates recorded by the early Church Fathers provide evidence that Jews developed humility that might have acted as answers to Christian claims that they had been deserted by God. See Urbach (1984, 292).

¹⁷ J. T. Sanders 1993, 61-67 goes over the same rabbinic materials as Setzer and both seem to simply rely on earlier studies and personal informants.

¹⁸ See Rankin (1970, 178). Here we read about five disciples of Jesus in some kind of disputation based on Biblical verses. While the source is meant as satire and cannot be in any wise taken as historical, it is sufficient to read between the lines here that such debates were widely known. Considering the materials in the New Testament in which Jewish authorities are pitted against Christian protagonists and these further pieces of evidence we can surmise that such debates indeed occurred when Christians or Jews preached and taught in public gatherings. See Acts 24:12 which refers to "disputes with an opponent and gathering crowds." Such events must have been realities.

¹⁹ See Acts 15:19ff for the controversy as to how much law a Gentile Christian should keep. A century later Justyn Marist notes that controversy was still ongoing. See his *Dialogue with Trypho*, 47.

²⁰ Ch. Merchavim (1970) also finds little anti-Christian materials recorded by Jews in the early Christian centuries.

is evidence Jews were discouraged from focussing on bare, written Scriptures as the substance of their belief system and the debates likely did focus on this material, common to the Jews and Christians. Rather, commentary and Oral law were held to be the basics. Therefore the teachings of the debates were not of import to rabbinic Jews. Second, undoubtedly debates did take place and undoubtedly the Jews held their own. Yet, the Christian claims in these debates did not seem to threaten the Jewish establishment. Apparently, conversion to Christianity from the 2nd century onwards did not pose a massive threat to Jews. The threat came from those Jews who held some Christian beliefs, who rejected the Oral Law and the legal interpretations of the scribes. The so called "Epistle to the Hebrews" reflects the Christian side of these debates. The Jewish methods of defense were quite limited. The Jews were dismissive of Christian expertise in Jewish Law on the one hand and disparaging of Jewish Christians moral character on the other. Polemical comments from these debates, in general, were embedded in Jewish works now and again. There was no need to record debates fully and, by doing so, present the Christian side to things to a Jewish audience. Every so often, we seem to come across statements in Rabbinic literature which might have once formed the answer of a Rabbi to a Christian stance that Jewish ritual could no longer bring atonement. But we must be cautious in our use of this literature because what someone might see easily as an anti-Christian polemic, someone else might see simply as rabbinic exegesis independent of any polemical agenda. For instance, the Babylonian Talmud *Shabbat* 89b seems to address the issue of vicarious atonement through Isaac's act of self-sacrifice on the altar prepared by Abraham. The Rabbis discussed Isaiah 63:16 as follows: "For you are our father," refers to Isaac as is proved from the remainder of the verse, "Abraham does not know us and Israel does not acknowledge us." The Jews asked Isaac, the Rabbis claim, to bear (Heb. *s-b-l*) the sins of the Jews (in apparent reference to Isaiah 53:11 (Heb. *s-b-l*) since he was offered on an altar. But Isaac clarified matters and told them which Father could really bring them salvation: "You, O Lord, are our Father, our Redeemer from of Old is your name."

Now the references we find to Isaiah 51 and 53 and the theme of vicarious atonement of human sacrifice might make us think of Christian uses of these passages as found in the age-old traditional

Christian commentaries.²¹ We would then see the final movement of the rabbinic story woven into the verses as a denial of human sacrifice serving as vicarious atonement. God alone can grant pardon. Seen this way the Talmud appears to contain a sharp polemic. But we might equally claim that the Rabbis simply wanted to explain why the beginning of the verse speaks of a father without any divine attribution and at the end of a father who is divine and redeems. Furthermore the discounting of Abraham and Jacob (Israel) but not Isaac requires explanation. The explanation of the Rabbis was offered to solve textual difficulties and no polemic was intended. There is no convincing way to settle this matter. It may well be that the Rabbis found a nice fit. A solution to textual difficulties which struck a blow to the idea of vicarious atonement.

However, this depiction of antagonism is only one side of a much more complicated picture. For the fuller picture one has to realize that the early Rabbis were divided in their approach to Christianity. True, some wanted to remove Jewish Christians entirely from the midst of the Jewish community.²² This was hardly a new position. The New Testament provides diatribes against Jews who were encouraged, in limited places, to hate Christians or to ban them from Synagogues. Yet, other Jewish leaders counselled that the heretics should be reformed and brought into the Jewish community by rejecting their waywardness in regards to Jewish Law while welcoming their contact with Jewish communities.

The evidence of the Gospel writers shows us that the Jewish issues in debates with Christians were centered upon the proper observance of Jewish Laws according to scribal traditions. These reflect the real early concerns of Jewish authorities. The Gospel writers have bent these debates to their own purposes to deny the force of all Jewish tradition, not only scribal tradition. In Acts it is claimed Gamliel I preached a wait-and-see attitude. This may be so, provided one grants the statement was made while Jesus was still alive. His grandson Gamliel II is credited with commissioning the maldition against Christians in the first part of the 2nd century. This also may

²¹ See for example, Revelation 19:15 for its use of apocalyptic, messianic imagery taken from Isaiah 63:3.

²² On this point see Richardson 1969 that hostility was not simply a result of new teachings but moreover the messiahship and divinity of Jesus. One perhaps might find some kind of support for such an argument in the notice of Babylonian Talmud *Sanhedrin* 43a and *Talkut Shumoni-Balei* 76b (further in this section) that Jesus led Israel astray.

be an accurate picture.²³ Between the two Gamliels there seems to have been two Jewish views towards Christians. One tolerant,²⁴ one intolerant.

The tolerant view survived after the time of Gamliel II and its proponents claimed that Jesus himself was so totally alienated by his teacher, he rebelled by starting his own religion.²⁵ His teacher was to blame. A *baraita* in the Babylonian Talmud credits Rabbi Yosi with counseling patience and even bending some rules to keep the weak within the faith "lest they build their own altars."²⁶

If there is any truth to the assertion that Jewish Elders sent out directives to diaspora communities to warn them about Christians, we see these directives as counseling a moderate approach in regards to Christian theology. The institution of a Synagogue recitation of a curse, which we will soon discuss, against Jewish Christians must mark the victory of the school which rejected any recognition of Jewish Christians. As Christianity became more focussed upon its gentile population, the supersessionist claim of Christians became the focus of debate between Jews and the many Christians who were not Jews.

There is some evidence, and we cite the texts below, that the Rabbis were divided in their attitude towards Gentile Christianity.²⁷ But the fact remains, as Christianity became more and more gentile in its composition, the Rabbis became less and less inclined to accept Jewish Christians into their communities.

Christians, as they gained political power, inflicted damage upon

²³ Pliny remarks, in his letter to Trajan at the dawn of the 2nd century, that those who had formerly been Christians were now made to show good faith in their subsequent disavowal of Christianity in two ways, by worshipping an image of the emperor and statues of the Roman gods, and by pronouncing a curse in respect to Christ. It would make sense that Jews would accept public worship and a pronounced curse against Christians as evidence of disavowal of Christianity in the case of former Christian Jews. See H. Bettenson 1937, 5-7.

²⁴ See Acts 5:34-39, 23:6-9, 28:21-25.

²⁵ In the uncensored versions of Babylonian Talmud *Niddah* 47a.

²⁶ See Babylonian Talmud *Hagiga* 28b. Rabbi Yosi was well known for his tolerance and was a major proponent of extending the categories of *darkhei shalom*, congenial relations beyond the requirement of rabbinic law. His tolerance extended to bending certain rules to allow women to partake in rituals they were technically excluded from (see Babylonian Talmud *Hagiga* 16b).

²⁷ Most writers on the subject are content to cite *Tosefta Shabbat* 2:20-24, *Talmud Yerushalmi Shabbat* 14d, Babylonian Talmud *Shabbat* 116a, *Tosefta Shabbat* 13:5, Mishnah *Megillah* 1:8-9. Unless there is some pertinent point for a discussion I will not dwell on these sources.

Jews and ultimately forced them to be at their mercy, which all too often was completely lacking. For their part, into modern times, the Jews responded in a number of ways which failed. A reading of J. Eschelbacher (1908) is typical of the apologetic works produced in pre-WWI Germany. Eschelbacher shows the affinity between early Christian teachings and Jewish teachings and claims the anti-Judaic parts of the New Testament do not reflect Jesus' condemnation of Jews and Pharisees. Rather, he claims, they show the Christian struggle, after the death of Jesus, against the Jewish establishments. With great erudition Eschelbacher shows how the major ethical ideas of Christianity were borrowed from Judaism. But such apologetic writings, as convincing and correct as they were, did nothing to stem the tide of Christian hate and perhaps only increased it. That hatred is deeply rooted and has resulted in horrendous massacres of Jews and vilifying their religion. But Jews, in earlier times, had also reserved some harsh rhetoric for Christianity. Our focus here concerns the odium of Jews for Christianity, their hated enemy, who threatened the viability of the covenant in which they lived their lives.²¹

At the beginning of the Christian Era, when the Pauline corpus²² and the Gospels²³ were still fresh, we will ask, "What were Jews saying about Christians amongst themselves and what were they saying to Christians?"²⁴ Furthermore, we will want to know about the reception of these early proclamations of Rabbis in the later, Jewish medieval writings. Eventually we will show the flip side of Eschelbacher's fine study: the process of infiltration of a major Christian tenet into Jewish teachings. The Gentiles preserved the biblical wisdom of the Jewish Jesus, if at least some New Testament attributions are accurate. The accidents of history ironically reclaimed some of his major teachings for Jews with little trace of their polemic origins.

²¹ Whereas Justin Martyr's *Typho* (38.1) seems to say that Jews are taught to despise Christians and this is then pushed to be that Jews are taught to shun Christians, I think both statements are correct. The first observation would refer to Jews who are Christian while the second would refer to Gentiles. I find that contacts with gentile Christians were in better humor than with Jewish Christians (see Hasser, 1985).

²² These works contained a large amount of polemical material concerning the primacy of Christ as Son of God and utilized Scriptures as the tool of argument.

²³ These writings demeaned Jewish notions about Messiahship and scribal law.

²⁴ The two basic issues, according to G.F. Moore (1921), concerned the status of the Law as God's will, and the status of Israel as God's people.

Lawrence Schiffman (1981, 115-156) tells us that as Christians increasingly failed to fit the legal definitions (given by the Rabbis) of a Jew, the rabbinic sources progressively excluded Christians from membership in the Jewish community. We have to distinguish those individuals who did fit the technical definition of a Jew but accepted Jesus as Messiah or even as the "Son of God". Schiffman (1981, 146) cites *Sifra Vayikra* 2:3 (ed. Weiss, 41), which excludes *meshummadim* (probably Jewish-Christians) from bringing certain sacrifices in the Temple since they reject the Mosaic covenant. They are not merely sinners, nor are they non-Jews, but those who bear covenantal and legal responsibilities yet reject the basic premise of Jewish self-definition. There is every reason, in my opinion, to equate these *meshummadim* with Jews who adhere to Christian teachings. We can safely assume that *Sifra* represents traditions from around the time of the Hadrianic persecutions against Jews of 132 C.E. Schiffman is correct to assume that the Rabbis of this period came into contact with Jewish Christians and their attitudes towards Christianity were largely shaped by their seeing Christianity as a Jewish heresy. Only after the failure of the Bar Kochba revolt to bring Jewish independence, according to Finkel, Katz, Kimmelman and Schiffman, the Rabbis attacked these so-called "heretics" (in their eyes) by instituting a kind of curse in their prayers against the Christians who were seen as deviants.¹²

Schiffman cites John 9:22, 12:42, 16:2 as evidence of this. Finkel and Kimmelman rightly point out that if John is referring to this curse then it was current prior to the Hadrianic persecutions, when John was written. We find the rabbinic "curse" to be a reconstruction of an earlier pre-Christian curse against enemies of the Jews (cited in *Sirach* 36:9-10) and then later applied to Christians. John says nothing about a curse, only about Christian exclusion from Synagogues. Finkel thinks this exclusion was only local to the Johannine community and does not enter the question of the Jewish Christian schism. Post Bar Kochban writers such as Justin Martyr,¹³ Origen,¹⁴ Epiphanius and Jerome preserve a firm tradition of a synagogue curse. In the Cairo Geniza, the term *mura* and *nazar* are found: "Let the

¹² For a detailed analysis of the scholarly debates over the "curse of *mura*" see Whitacre (1980: 7-10).

¹³ See Migne, 1857-1912, vol. 6 pp. 461-800; *Dialogue with Trypho* 16:96, 35:17.

¹⁴ See Migne (1857-1912), vol. 12.

notzrim and the *minim* be destroyed immediately.³⁵ Although no one has ever convincingly deciphered any one code to understand the term *min*, everyone agrees that it generally refers to groups who rejected the legitimacy of pharisaic/rabbinic traditions.³⁶

We will discuss the meaning of *notzrim*, as used in the curse further on. Schiffman thinks that *min* in this curse refers to a Jewish Christian while *notzen* refers to a gentile one. He posits the earliest wording of the curse was pointed towards Jewish Christians (*minim*) but then at a later date gentile Christians (*notzrim*) were included in the curse. This reconstruction of events flounders when we note that Jesus himself is identified in talmudic sources as "notzri"³⁷ and Jesus certainly was known to be a Jew.

Reuven Kimelman's (1981, 234) argument is interesting but not conclusive. He suggests: if *notzrim* was the first word in the curse why is the curse not called *birkat hanotzrim* instead of *birkat haninim*? Kimelman's thesis can be tested by looking at the text published in *JQR* OS Vol 10 (1898, 654) which mentions both *notzrim* and *minim*. But *notzrim* is not the first word here either. In point of fact, the prayer sections composing the *amidah*³⁸ were generally named after the

³⁵ The text is found in several versions. The terms "meshummadim" and "minim" in these contexts could be understood to refer to non-specified heresies while "Notzrim" specifically refers to Christians.

For the *meshummadim* let there be no hope unless they return to your Torah — *HUCA* 2, 101 — and do thou uproot the insolent kingdom quickly in our days and — *JQR* 10, 108, 1898, 654 — may the *notzrim* and the *minim* be destroyed immediately. May they quickly — *HUCA* 2, 108 — be erased from the book of life and be not written with righteous people. Blessed are you Lord who uproots the insolent.

³⁶ Since the Aramaic *Qnt* means a specie (translates *min* in the Targums) and a similar Aramaic word refers to "one who goes astray," it is possible that Hebrew *ben* (substituting it is Hebrew), although primarily referring to "a specie," somehow came to be associated with "one who has gone astray" by analogy with the Aramaic usages. As fantastic as this new explanation might seem, the usual explanation (e.g. a specie of Jew) fails to explain the idea of "deviant" in any satisfactory way.

³⁷ See BT Avodah Zarah 5a, 7b and its variant readings. Jewish Christians, as a sect of Jews, are referred to in the Gospel of Matthew 2:23 as *Nazoraios*, also by Jerome and Epiphanius as *Nazoreans*, and in Acts 24:5 as *Nazarenes*. Perhaps the difference between the "o" and the "u" are simply due to regional dialects (like the variants *hadathak* and *hadolak*), perhaps they reflect various understandings of the name of the sect: 1. "the Nazarathites" = Nazarene; 2. "Nazorite," recalling those who are to punish Judah for their treachery against God (see Jeremiah 4:16).

³⁸ *Amidah* is the name given to the central prayer the Rabbis prayed (the units likely dating to pre-Rabbinic times) and it was composed of many discrete units covering a variety of subjects. Each of these units bore a name relating to the theme of the unit.

wordings of the final blessings and not the introductory words. The *birkat haminim*, according to the literary evidence, refers to an original formulation which ended with the blessing, "who breaks the power of the *minim*."

Tosefta *Berakhot* 3:25 mentions including a phrase about *minim* in a prayer which formerly ended with a curse against *perushim* (deviationists) and makes no explicit mention of *notzrim*.¹⁹ The Toseftan code appears to reflect new formulas composed by the Rabbis which condensed two or more separate, older recitations in order to combine them into a single new conclusion after a short exhortation. Perhaps this happened when the Rabbis decided upon the number eighteen as the total number of blessings to be recited in the major prayer service. The Tosefta implies the phrase about *minim* had once been its own separate piece, and it is in this prayer alone that the term *birkat haminim* originally referred (i.e., the unit ended with a blessing acknowledging that God would ultimately break the power of *minim*). Kimmelman's argument that *birkat haminim* is not *birkat hanatzrim* is open to challenge. The order of words had no bearing on the designation *birkat haminim*, which was simply a hold-over from a time when the prayer, or at least its final phrase, had referred only to *minim* and their cohorts. It would seem this was the case since the Tosefta mentions that if one [inadvertantly] recites the prayer units separately (i.e., with separate blessings at the end for destroying *minim* in the one and *perushim* in the other) rather than in combined form, the old prayer formats are still acceptable. The Tosefta speaks of the liturgical unit as *shel minim*, [the mention] of *minim*, in accordance with the method of mentioning units and topics in the *avodah* liturgy according to their final blessings.

That is to say, the forms of the prayer known to the Tosefta reflect a beginning stage of expansions of various older prayers that have now been incorporated as one long piece. One previous prayer had contained a motif which ended with a curse for *minim*.²⁰ Per-

¹⁹ Some versions of Tosefta speak of including "minim" and "poshins" (rather than "perushim," and "poshini" often refers to Jewish Christians, i.e., "poshei yisrael") in the very blessing "who subdues the insolent." It is suspected such texts were part of the Palestinian ritual. "Notzrim" may simply have come into the text as a gloss to "poshini" or "perushim." But the wording of "notzrim" has not been found anywhere to date in the *concluding* blessing of the *minim* imprecation.

²⁰ More evidence about the meaning of the toseftan passage can be found in old sources relating to the inclusion of David in the blessing of building Jerusalem. Talmud Yerushalmi *Berakhot* 4:4 relates that in prayer one says "God of David Asb

haps, but not necessarily, this prayer had actually spoken of *notzrim*. Another had contained a theme ending with a notice that God should crush *perushim*, "deviationists". Perhaps it was this one that had a notice about *notzrim*. In combination now the result was the phrase "notzrim ve-minim" occurring in the middle of the paragraph while the prayer continued with wider concerns. The new format took the older prayers and worked the "minim" phrase into them and made one whole unit out of the pieces. It is likely one of these had contained the word *notzrim*. The resultant formula read *notzrim ve-minim* (Christians and heretics) and hence no conclusion can be based on the word order. The purpose of these combinations was to limit the number of paragraphs in the *amidah* prayer to 18 or 19. Originally what happened at Yavneh was simply that the *minim* prayer was composed and probably placed at the end of the order of the 18 blessings. The Babylonian Talmud *Megillah* 17b, preserves reconstructions of Palestinian teachings to justify the order of the 18 blessings. This passage, in discussing the curse of the *minim*, reflects the wording of *Tosefta Berakhot* 3:25. It specifically mentions that the blessings concerning the *minim* and the *zadim* (the arrogant) have now been collapsed into one single one. It seems there were once more than 18 blessings and their order of recitation was not uniform. Then the Rabbis determined the number and order of the units to be ■. Some afterwards, a nineteenth was added at the end.⁴¹ Thus Justin can speak of the anti-Christian curse being after the prayers.⁴² It would appear that this final one was collapsed into an earlier one mentioning "the breaking of the arrogant." The variant wordings of similar blessings did not always become combined and sometimes were recited by different communities in combined and separate forms. The uncollapsed form of "building Jerusalem" as separate from the "sprouting of redemption of the plant of David," (although some-

the builder of Jerusalem." Other sources that enjoy wide discussion on this topic are *Sefer Haqanah* (Cracow 365:4) 92. Rashi's *Commentary to the Torah* ends of *parashat Noah* and *parashat Pinchuk*, *Bulletin of the Institute for Biblical Research in Jerusalem*, vol 5, 50-65, mentions four such readings in the *al ha-midos* blessing. A. Goldreich, speaks of other sources for the prayer ending in his *Me'orot Etzba'im* Jerusalem 5711:384-388, also Ezra of Gerona in his *Commentary to Megillah* 17b (Vatican ms. 185 published in *Aggadot of R. Azriel* Jerusalem 5215: 57 mentions the combined endings. The list is formidable and more ancient fragments are recorded by S. Lieberman in his *Targum Kishkata Berakhot* 55.

⁴¹ Before being joined to the twelfth in later tannaitic times.

⁴² See *Dialogue with Trypho* 137.

times, in some places, sandwiched together) eventually became normative. Some talmudic sources seem to reflect the Toseftan practice of having them combined, while others have them separate and then have 19 blessings.¹⁴ The talmudic evidence, when combined with notices of Justin, supports this conclusion.¹⁵

It will be recalled that the Toseftan usage referred to the liturgical "shel minim," "of the minim," to designate the unit to be combined into the older section mentioning those who separated themselves from the rabbinic community, i.e. *shel perushim* (deviationists).¹⁶ This use of *shel* is the way to make the word *minim* into an adjective: the "minic section." Jerome (4th century) speaks of the "minic sect," i.e. "the sect" which is called "of the minim" (*quar dicitur minicorum = shel minim*).¹⁷ He tells us these *minim*, "neither properly Jew nor properly Christian, were called Nazoreans." On the other hand Epiphanius of Salamis uses the term to refer to the followers of Jesus' disciples who originated "the heresy of the Nazoreans."¹⁸ Jerome knows about a curse that was current only in the synagogues in the East. We must therefore assume that he believed Christians who were in the West knew nothing or little of this wording of *Nazoreans*. Indeed, it may well be that the late 4th century Patriarch of Constantinople (where East and West joined), John Chrysostom, knowing nothing of the wording *Nazoreans* or of any liturgical curse, says Jews curse Christians only in *their hearts* in the synagogue. We have no idea how familiar John Chrysostom was with Jewish liturgy.¹⁹ Christians might have

¹⁴ See previous note.

¹⁵ This entire scenario, including the identification of *minim* with Christians, the two versions of the prayer having either 19 or 19 blessings after the collapse of *minim* and *zedim* into a single blessing, the impossibility of retrieving the original wording of the *birkat ha-minim* prayer, can be verified by different routes than I have presented here. The detailed sources given in "Birkat Ha-minim," *Encyclopedic Talmudit*, vol. 4, Jerusalem, 1984 confirm the picture given here.

¹⁶ Finkel 1981, 238, takes this to mean that there was no pre-existent *minim* unit, just that a new phrase about *minim* was added to the *perushim* passage. If so, Finkel has yet to explain how it could be that someone might forget and recite both the *minim* unit and the *perushim* unit separately as the Tosefta posits. If *minim* was never an independent unit, how can the Tosefta continue to speak of it as an independent unit in Tosefta *Berakhot* b25? The unit "of the minim" seems to have been originally a separate composition.

¹⁷ See *Talmud Yerushalmi Sanhedrin* 19,5 for the term "kitot shel minim" - sects of *Minim*. Also see Baron 1952, vol. 2, 381 n. 8.

¹⁸ Cf A. F. J. Klijn and G. Reinink 1973, ch. 29,7,7; 169.

¹⁹ His essential writings about Jews can be found in Migne, *Serier Graeca* vol. 4B: 813-830, 843-892.

gone to synagogues to pray or to listen to sermons. Gentile Christians, according to John, continued to frequent the synagogues but they had no idea what Jews were or were not thinking about them there. Kimmelman assumed a curse against *natzarim*³⁹ was common in those synagogues. Hence it must be, he argued, that *natzarin* could not mean gentile Christians or John would not have to tell them they were unwelcome in the synagogues. They would have heard it first hand.

We have no idea how fluid these prayers were and if all Jews then and there mentioned *notzrim*, or even mentioned *natinim*. Kimmelman's theory that the liturgical curse really was pronounced *nAtzarim* and did not mean Gentiles has very little to recommend it. Perhaps the older curse formula of *perushim* (or *pashim*) was still in vogue in his city or some other formula, or none at all. However, Jerome associates the term "notzrim" with a deviant Jewish group, who believed in the divinity of Jesus. Thus one need look for no further proof of the Jewishness of the *natzarim*. It is of interest to note that Rashi (11th century, France), in his comments to Babylonian Talmud *Megillah* 17b, says the *birkat haminim* refers to the "disciples of Jesus the Notzri." This reading is found in uncensored editions of his commentary and reflects the original wording of the Talmud here: "*minim*" (rather than "*pashim*" as in some talmudic editions). Kimmelman's argument from John Chrysostom's wording, purportedly distinguishing between "natzarim" and "notzrim," is well besides the point and likely wrong.⁴⁰

We have found no record of the liturgical curse of "notzrim" in Western countries. This does not prove anything about the original wording of the malediction at Yavneh in the time before the Hadrianic persecutions. We can only say that we lack the evidence to say with confidence that this particular form of the liturgy did spread into the West. Katz assumed that because the Mishnah does not mention *notzrin* the term did not exist. We have to note that Mishnah preserves very little from 1st century liturgy and arguments from

³⁹ Rather than *nDzarin*.

⁴⁰ One should not place too much credence on the writing and transmission of Hebrew words in the works of Church Fathers, especially where there are shifts between a's and o's. Even if there were no doubt that his words have been copied accurately and that he reported precisely, and the transliteration was careful enough to allow reconstructions of pronunciation, Hebrew speakers themselves might have had regional dialect differences in these cases. The evidence is far too flimsy to bear the weight Kimmelman would load upon it.

silence for that time period is not proof of anything. Furthermore, Mishnah contains much material that dates to the period after 135. Yet, Katz fails to use the same argument to claim the curse against *notzrim* did not exist at all in tannaitic times, including 135-200 C.E. No one claims this is the case and Katz nowhere tells us what he thinks, although he seems to agree with Kimmelman that a date after 175 is possible. This is a serious gap in his paper. But the truth is that Mishnah leaves out, for whatever reason, important notices about such things as the rules for *Hannukah* and laws of phylacteries. The compiler of the Mishnah seemed intent to omit names of groups of Jews the Rabbis branded as heretics. Katz's argument against a 1st century date is as weak as the argument for it. We simply cannot argue the point on the basis of the evidence before us.

We have mentioned the Tosestan passage which implies there were two separate versions of curse units in the liturgy. We might well wonder why two separate curses were necessary, for *minim* and for *perushim*. Even if the number of blessings was expanding beyond the requisite 18 or 19 number why was one not just dropped? It would seem that long usage of both necessitated that both passages be maintained by combining rather than eliminating. Nazorite Christians were not simply *perushim-schismatics* like the pre-70 Qumranites, or the Samaritans, or other groups that maintained their own communities. These Jewish Christians were in the Jewish communities of the East, frequented synagogues, at least the lectures there, and had to be singled out as renegades. They were dangerous because they were a missionary movement unlike the other groups who kept to themselves. In a well known tradition, related below, we find Rabbi Eliezer saying, "I transgressed that which is written in the Torah, "Keep your way far from her" (Proverbs 5:8) which refers to Christianity (*minut*) and the ruling powers (*reshut*).⁵¹ While the joint exegesis "minut", "reshut" is not found in the version of the story found in *Toselta Hulin* 2:20, it is found in the Babylonian Talmud version of *Avodah Zarah* 16b-17a and might be very early. The parallel exegesis in *Avot deRabbi Natan* 4 ch 2 retains only *minut*. *Reshat* is extraneous to the story since the point of keeping distance from ruling powers (Rome) is not the point of the tale. However these "Rome"

⁵¹ Perhaps the term "reshut" (authority) refers more to the local Roman administration in Palestine while "malkhut" properly refers to the central power of the Roman Empire.

motifs are present in the prayer for the downfall of *minim*—which mentions the uprooting of the insolent kingdom, i.e., Rome. In the *baraita* or early rabbinic tradition, cited in Babylonian Talmud *Avodah Zarah* 17a, heresy is mentioned first—followed by the reference to the governmental authority. It is tempting for this reason to find some connection between the exegesis of Proverbs 5:8 in the *baraita* and the Yavnean curses both of “minim” and “Rome.” The notice at the end of Mishnah *Sotah*, (it is immaterial to us whether it was integral to the Mishnah or affixed there absent-mindedly from a *baraita*)⁵² mentions the Kingship of Rome becoming “minut.”⁵³

It is unlikely that this teaching, ascribed to the tannaitic (pre-200 C.E. period), originated after the Christianization of Rome in the early three hundreds, although Kimmelman has argued for the point that it did originate at such a late date.

If we are to speculate, it would be more cogent to argue that *rebut-minut* reflected a syncretic form of Judaism and Hellenism, (akin to that practised by Herod and the Roman occupiers after Herod’s rule). Perhaps the temptation for Jews to become part of the occupying Roman administration in Judea was very powerful. It was Shema-

⁵² Like the *baraita* in Babylonian Talmud *Sotah* 92a. See the sources cited by Kimmelman (1981) 392 n. 18. Kimmelman surmises that the *baraita* in Sanhedrin is simply a scribal misunderstanding that lacks cogency. According to Kimmelman, the scribe forgot that Rome was not yet Christian in the tannaitic period. Kimmelman’s argument rests on the surrounding passages in the Talmud being amoraic (post 200 C.E.). On the contrary, scribes harmonize matter to fit its milieu rather than cause-breaks. Since it is marked as a *baraita* it should be accepted as such. Had the surrounding matter been tannaitic and then we found this suspect one as well, only then might we wonder if it was scribbled adjusted to fit its surroundings. Kimmelman’s claim assumes the scribe knew the sentence from the end of Mishnah *Sotah* and so adjusted a similar amoraic saying as if it were also tannaitic. It is more likely that the *baraita*, well established as such, became appended to the Mishnah because it was amoraic like the Mishna. One cannot assume an amoraic saying came into the Mishnah by error and then a scribe inadvertently thought the amoraic saying was tannaitic because it was in the Mishna. The statement here is chasing its own tail in a mad frenzy of circular reasoning. No one besides Kimmelman has suggested such a scenario.

⁵³ See Kimmelman (1981) 390 n. 18. His reconstruction of the source of this statement depends on a series of unlikely mistakes. If *minut* here refers to Christianity, it is a prediction that panned out. Rome became Christian after 390 C.E. Rashi, in uncensored versions of his commentary to Babylonian Talmud *Sotah* 19b, tells us that he thinks *minut* refers to the disciples of Jesus. Alternatively, and more plausibly, *minut* may refer to a hybrid of Jewish-Roman religions which, after Christianity took over the Empire, fell by the wayside. We know nothing about it’s life—save for a few scattered comments in rabbinic literature.

iah, the leader of the Pharisees, in *Avot* 1:10 who proclaimed one should not become an intimate *mi* the governing authorities (*re'uhat*). I suspect this means, one should not assimilate and follow their customs. Thus the pairing of *minut* (non-pharisaic heresies) and *reshut* (Jewish/Roman syncretism) in the exegesis of the preacher of Proverbs would be apt. One should not forget that Matthew refers to Roman centurions as the first followers of the risen Christ. The ground for such conversions to Christianity might have been already prepared by contacts of Roman officials with Jewish assimilationists.

To return to our discussion, Flusser (1974, 269-273) and Urbach (1981, 288-289) are likely correct. The curse against heretics was a very old part of Jewish liturgy, as witnessed by *Sirach* and *Tosefta Beinhat*. Eventually a later prayer against Christians, composed at Yavneh, had a specific aim to increase hatred of sects of Jewish Christians, and perhaps other schizmatics as well. Kinnelman and Finkel might well be right in insisting that Gentile Christians were never targeted, in any time period, in the *birkat ha-minim*, the curse having been aimed only against Jewish heretics. The Rabbis themselves were uncertain whether gentile Christians should be condemned. Thus the passage from *Falkut Shim'on* which follows further in this paper asks if Balaam railed against Jewish Christianity alone or did he also warn the world about gentile Christianity.⁵⁴ This passage points to the uncertainty of the Rabbis themselves on the issue of who exactly was meant to be included in the *anidah* curse. The answer to the question of whether or not Gentiles were included in the malédiction can be answered on that basis. It depended on how the individual interpreted the word "minim." Thus the sense of Chrysostom's (late 4th c) statement that Jews curse (all) Christians in their hearts in the synagogues points to the fact that Jews did not differentiate between gentile Christians and Jewish Christians.

Katz noted that the term *notrim*, as a designation of Christians (aside from Jesus), does not appear in early Rabbinic literature as such.⁵⁵

⁵⁴ Seizer (1994, 182-190) shows us that sometimes Jews took Christians for insiders and at other times as outsiders. We might note that it is highly unlikely that anyone ever took gentile Christians for insiders.

⁵⁵ Cf. Bickerman, (1949: 109-20). The mention in Babylonian Talmud *Arachoth* 27b, *Taanit* 27b as well as Minor Tractate *Sofrim* 17:5 suggests the tetum was well known. The term may have been used as early as the dawn of Christianity in the first century. Precisely what it meant is another matter but the non-existence of the term in the First or Second Centuries cannot be determined simply by saying "It's not in the Mishnah!"

Katz's guess that this indicates some type of late date for the insertion of the term "notzrim" in the liturgy is quite curious. We have already pointed out that arguments from silence in the Mishnah prove nothing. If the term *notzi* was a later addition it is likely the curse's term "notzrim" came to define *min* which was already being said in this prayer. *Min* was a wide term connoting many types of heretics while *notzrim* is a narrow one denoting Christians. Justin and Origen, unlike the later Epiphanius and Jerome, do not mention the "notzrim." Almost all Jewish scholars, like Finkel, Urbach, Schiffman, Katz, and Kimmelman, argue that we have definite proof now that the word *notzrim* was added to the curse between the time of Justin and Epiphanius. That is, it was added after the bar Kochba "War for Independence."

One has to insist, however, that it is purely an argument from silence to use these passages from the Church Fathers to claim what was not said in the Jewish liturgy. Nevertheless, the social and historical conditions posited by Urbach might be persuasive in fixing a date for the anti-Christian formula to have been composed sometime after Bar Kochba's defeat. However, using the textual evidence by itself which Katz notes to be used by some to support a late date for the curse, we cannot find it nearly as conclusive as one might imagine. It cannot be stated with any certainty whatsoever that those scholars who date the Christian references in the malediction to 85 or 90, the period of Gamliel II, are wrong.⁵⁶ All that can be said is that the wording of the malediction has certainly changed over the years so that even the references to "perushim" have fallen out as well. Common sense fails us in seeking answers. It seems quite unbelievable that Pharisees (=*Perushim*) and their students in Yavneh cursed "perushim," (deviationists) but apparently they really did. After all is said and done, we can only state (based on Mishnayot in Mishnah *Shabbat*) that hatred of Jewish Christians was promoted by Jewish authorities in the period of the Tannaim.

Furthermore, Katz notes that the text of the curse against Christians has never been found in any surviving text from a Christian country. Nothing definite can be learned from this except that the text survived transplantation to soil where it was of little benefit. It

⁵⁶ Mention has been made in a note above to Pliny's testimony that he had ordered pagans who had once been Christians to curse Christ in an oath. The use of a curse to show sincere repentance is therefore attested, although in non-Jewish settings, in this time frame.

was recited in places where Jewish Christians were not the main thorn in the side of the Jews. The text must therefore be seen to be very old and sacred and brought to these places from Palestine where it had relevance. The curse formula, with specific reference to Jewish-Christians is, by all accounts, prior to the 4th century. While it is debatable if the usage of "notzrim" in the curse dates to the 1st century, it is certain that the intent of the curse against heretics was meant to include Jewish Christians by the middle of the 2nd century.⁷⁷

One should never conclude (as has Finkel, 1981), that the absence of strong evidence of the *main-curse* to specify *notzrim* before the year 135 C.E. means that a split had not yet occurred between the two religions prior to the Bar Kochba revolt. That conclusion is unwarranted. The point is we do not know at all when Jews began to use the term "notzrim" in their prayers and even if we did we would still have no evidence at all for adducing a date for the break of Christians and Jews into separate bodies. Already the writings of Paul, the Epistle to the Hebrews, and the Gospels show a break had occurred between Jews and Christians prior to the 2nd century.⁷⁸ Many scholars believe the curse against Christians was articulated at the end of the 1st century. There is no reason to suggest they must be wrong. The real question is why Jews should curse Christians in the first place in a synagogue prayer. The answer, as given by Urbach and Flusser,⁷⁹ is simply that the notion of asking God to extirpate the enemies of the Jews had already been a part of the liturgy from Second Temple times. They argue that soon after the destruction of the Temple another malediction was instituted by Gamliel II at Yavneh against sectarians and heretics. About half a century later,

⁷⁷ Finkel (1981) 239 denies this possibility. But his argument begs the question.

⁷⁸ See D.R.A. Hare (1967) who argues that the two communities were separated before the Jewish curse was formulated. While some scholars date the ban against *Notzrim* to the first century, others argue the ban was enacted after 135 C.E. This might be so but it is most likely the split had already occurred much earlier. On the other hand, Finkel (1981, 233) attempts to argue that the split and the formulation of the curse were mutually contingent events. Those who date the Gospel of Matthew to the end of the first century see parts of it as a reaction to the Jewish curse against Christians which they date to the first century. It must be stressed there is no reason to tie the Jewish and Christian schism to the curse and it must be stressed that if the curse lacked the word "notzrim" this does not preclude that Christians were thought of as enemies and included in the malediction under some other term. All the issues are quite separate and should not be confused.

⁷⁹ See Katz (1984) and Flusser (1974).

the addition of Jewish Christians to the list was both natural and functional in the Jewish struggle to combat the anti-nomian messages of Jewish Christians.

The Rabbis engaged whatever methods they had in their disposal to keep heretics, their writings, and their teachings, far from the circles of the rabbinic followers. Our focus in this paper is to try and reconstruct the "mission of the Jews" against the Christians. Justin Martyr, in his *Dialogue with Trypho* 17.1 refers to those Elders who were sent or wrote the various Jewish communities to discomfit Christian claims. Harnack⁶¹ missed the mark in stating there was no real debate after the 1st century because Jews had nothing to gain from it. Christianity was an established fact and had gained its independence. Undoubtedly, Stanton (1985) was correct to argue that the debates continued for centuries. Hulen (1932) provides further evidence for this stance.

We will give evidence of Jewish Christian polemics and debates in the early periods from the Jewish materials. Furthermore we examine some material preserved in medieval anthologies even if we do not know the rabbinic sources from which these texts were gathered. Nevertheless, some parts of them, by dint of their focus on Jewish Christians, authentically seem to date from the first four centuries.

In the medieval compilation called *Talkut Shimoni*, in the section *Talkut Balak 766* (Salonika edition, 1521) we find what looks like an authentically old tradition. An essential part of section 766 in this anthology is the following statement which also occurs in *Talmud Yerushalmi Ta'anit 2:1*:

Rabbi Abbahu said: If a man says to you, "I am a god" he is lying
(a man cannot be a god; so he is lying); "I am the son of man" [here the title reflects the Son of Man sayings in the NT]; at the end he will regret it, *(and the son of man so he will regret)*; "I will go up to the heavens," *(this he has said but will not do; he spoke but will not accomplish it.)*

This tradition is based upon the entire verse of Numbers 23:19, Balaam's prophecy, but only the last part of *Talkut Shimoni Balak 766* cites it directly. I have supplied in round brackets and italics those parts of the verse which are crucial triggers to yield the final results. From the above source it should be clear that Jews were wary of Christianity and engaged in polemics to keep their own belief system separate from Christianity. They manipulated the biblical words

⁶¹ See Harnack, 1913.

where Balaam had tried to curse Israel but God put blessings into his mouth. The Rabbis mentioned in *Talkut Shimoni* had no more effective way to explain Proverbs 27:14 which spoke of blessings which were really intended to be curses except to find in it an allusion to Balaam's blessings. They understood, as Rabbi Abbahu had, that Balaam had warned about the dangers of a person claiming to be God. Whom precisely had he warned? *Talkut Shimoni Balak* 76b says two Rabbis disputed whether this warning was meant for Jews alone or for Gentiles as well:

- I. "He blesses his fellow with a powerful voice." (Proverbs 27:14). How far did the voice of Balaam travel?
- II. Rabbi Yohanan says, "Sixty miles." (His warning went only to the Israelite Camp, i.e. Gentile Christianity is permissible.)
- III. Rabbi Joshua ben Levi said, "The seventy nations of the world heard the voice of Balaam." (His warning went to the whole world, i.e. Gentile Christianity is forbidden.)
- IV. Rabbi Elazar HaQappar says:
 1. God endowed his voice with the power to travel from one end of the world to the other...
 - a) He gazed and saw that the nations would bow down to the sun, to the moon, to the stars, to trees, and to stones.
 - b) He gazed and saw that a man, born of woman, would arise in the future seeking to lead astray the entire world by making himself a god.
 - c) It was for this reason He endowed his voice with the power (to go from one end of the world to the other)
 2. ...that all the nations of the world might hear."¹¹

The passage goes on, but we have enough for our purposes here. One Rabbi believed that according to universal divine laws given to Noah even Gentiles were forbidden to practice Christianity, and in IV this view is elaborated upon. Rabbi Yohanan argued that the prohibition only concerned Jews.

It is not clear if Christianity was considered idolatry or not. In an interesting talmudic passage we are introduced to some ancient

¹¹ See the discussion of this passage in Klausner, 1964: 34-35. It seems to me that items a', b', c) are late additions to the text that interrupt the original sentence: (he God endowed his voice with the power to travel from one end of the world to the other [...] that all the nations of the world might hear. These additions make it clear we are speaking of gentile Christianity. c) leads us back to the original statement after the interpolation.

Jewish views of Jesus. These views were censored out of the current editions of the Talmud but remain in older texts. A second or 3rd century tradition (Babylonian Talmud *Sanhedrin* 43b) says:

On Passover eve they hung the body of Jesus [for display]. A herald had gone out 40 days prior to it: "He is to be stoned for sorecery and leading Israel astray. Anyone able to show his innocence should come and do so." No one was able to show him innocent and he was hung on Passover eve.

Here we see the claim that Jesus was a renegade who was tried as a magician, and who misled Jews into worshipping foreign gods. Indeed, the source goes out its way to show that every opportunity was afforded for some saving testimony; yet there was none to be found. This passage, as well as another preserved in Babylonian Talmud *Sanhedrin* 107b, and the teaching recorded in *Talkut Shimoni* accord well with Christian sources of the early Christian centuries. We note that John 7:12,47 and Matthew 27:63 claimed Jews thought Jesus was leading Israel astray. In *Acts of Thomas* 48 we find Thomas is called a "deceiver" and likewise in the Greek *Acts of Philip*, Philip is called a "deceiver and magician."⁶⁷ Stanton (1985, 201) thinks these accusations likely represent post 70 CE accusations against Jesus. *Dialogue with Trypho* 108 also notes the charge against Jesus is that of being a "deceiver."

The Rabbinic teachings of contempt for Christianity are not recorded in their works the way that Christian contempt for Judaism was recorded in theirs. Nevertheless, we saw the biblical spokesman for the condemnation of Christianity in rabbinic sources is made to be Balaam, the prophet of the nations. And this is done through obscure interpretive methods. The Christian sources, on the other hand, cite the central figure of Jesus in preaching contempt for Pharisaism and other Jews. As a result, the drive for Christian anti-Judaism was much stronger than the thirst for Jewish anti-Christianity. The Jewish texts are not central to Judaism in the way the

⁶⁷ We find in John 10:31 a tradition about Jews wanting to stone Jesus. According to Maimonides, in uncensored portions of his *Mishneh Torah*, one can justify the ancient traditions of a Jewish court having executed Jesus. According to Maimonides' 12th century reading of the Prophets, the Messiah was to give Israel physical security and strengthen the observance of the commandments. Christianity has shown itself to have done the exact opposite and this must have been the program of Jesus. If so, we ask, why has God so favored the Christians? To bring the world together with Islam, to recognize God in anticipation of the true Messianic Era.

Christian ones are ■ Christianity. Very few observant Jews would be aware of the Jewish material while very few observant Christians, if any, would not be aware of the Christian material. It is therefore of historical interest to dust off the early controversies and see how Rabbis portrayed their encounters with Christians, mostly Jewish Christians but not exclusively so.

Our current *midrashim* which could shed light on the early relationship between Jews and Christians in the period of the New Testament have been copied so poorly it is difficult to understand the original sources and contexts of these corrupted versions. The evidence from extant rabbinic literature is often disjointed. Only with perseverance it may be possible to reconstruct the original intent of these sources. The total upshot of this discussion must alert us to the need to emend and explain texts according to the unique clues which vary from text to text.

There can be doubt that Jewish Christians developed creative scriptural insights of wide appeal. The Rabbis responded by rejecting these insights and censured those who would listen to the Christian teachings. In this way, the Rabbis drove a wedge between rabbinic commentary and Christian commentary. There are hints that the Rabbis were not totally successful. The rabbinic authorities threatened that those who would listen to Jewish Christian homilies would be open to divine punishment. We can illustrate our point using uncensored editions of the Talmud and the version in *Eyn Ya'neah*. We find a discussion between Rabbi Akivah and Rabbi Eliezer in Babylonian Talmud *Arachoth Zarah* 16b-17a (variant: *Tosefta Hulin* 2:24) after Rabbi Eliezer was threatened by the Romans in a purge against Christianity (*munk*).

Rabbi Akivah said to him (R. Eliezer), "My master, permit me to say something [*Tosefta Hulin*: perhaps you will not be grieved] which you taught me."⁶³ He said to him, "Speak." He said to him, "My master, perhaps [*Tosefta Hulin*: one of the heretics told you] a heretical teaching came your way and you enjoyed it and for this reason you were arrested." He said to him, "Akivah, you have reminded me, since I was walking in the upper market of Sepphoris and one of the disciples of Jesus the Notzri," Jacob, of the Village of Sakhniah [*Tosefta Hulin*:

⁶³ It is not that he really "heard" the matter from Rabbi Akivah, but this was the conventional expression in which students addressed their teachers in the tannaitic period. See the "Reshash" commentary of Rabbi Samuel Strassan to Babylonian Talmud *Hulin* 30b for a list of sources for this phenomenon.

⁶⁴ The term "notzri" is not found in the Toseftan version.

Sichnin] was his name, challenged me.⁶³ [Tosefta Hulin: and he related a word of heresy in the name of Jesus, the son of Panthera]. He said to me: [Tosefta Hulin: What about the harlot's hire?] It is written in your Torah, *You shall not bring the hire of a harlot or the wages of a dog into the house of the Lord your God* (Deuteronomy 23:17). Is it permissible to use these funds for a latrine for the high priest?

I did not respond to him. [Tosefta Hulin: I said to him it is forbidden.] He said to me: [Tosefta Hulin: Let them make with it toilets and baths.] Thus Jesus the Netzri⁶⁴ taught me:

For from the hire of a harlot she gathered them and to the hire of a harlot they shall return. (Micah 1:7). From a place of filth they came to a place of filth they shall go. And I enjoyed the interpretation. [Tosefta Hulin: I said to him, 'You spoke well.']. For this I was arrested (by the Romans) as a suspected Christian. I transgressed that which is written in the Torah, *Keep your way far from her* (Proverbs 5:8; which refers to Christianity and the ruling powers of Rome;⁶⁵ *Do not go near the entrance of her house* (Proverbs 5:8; refers to the prostitute). [Tosefta Hulin: 'For truly a casualty has she laid low' (Proverbs 2:26)].⁶⁶ Rabbi Eliezer taught that a person should always run away from unseemliness and what looks like unseemliness.⁶⁷

There are some important things to note here. What is common between the two versions of the stories is likely a very ancient story and may have actually occurred much like the manner reported. The version of the Tosefta is repeated with some variants in *Midrash haGadol* to Deuteronomy 23:19 and *Midrash Kohelet* to Ecclesiastes 1:8. At any rate, we learn two things from the story: one, the Rabbis themselves had heard Christian exegesis of the Torah; two, the Rabbis

⁶³ "Metzeani" is the correct reading as found in *Eyn Yaakov*. The Vilna edition of the Babylonian Talmud reading erroneously has "matzaani". I render the correct version as "challenged me" in accordance with similar terms found in rabbinic literature.

⁶⁴ Perhaps this disciple had not heard this from Jesus who had died long before this incident but he used this expression conventionally like R. Akiva did in his discussion with Rabbi Eliezer.

⁶⁵ Another version given in the Talmud says "Keep your way far from her," (Proverbs 5:8) which refers to Christianity (*minut*); "Do not go near the entrance of her house," (*shehet*) refers to the ruling powers of Rome (*teshet*). Babylonian Talmud *Avodah Zarah* 17a also gives us an interpretation of Proverbs 30:15:

"The leech of hell has two daughters"—and who are they?

Christianity and the ruling powers of Rome.

In the Babylonian Talmud the term "min" sometimes refers to non-Jews and sometimes to Roman officials. See E. J.: 1971 i.e. "min." The pairing of "min" and Rome in the exegesis of Proverbs remains curious.

⁶⁶ The Toseftan version cuts both verses together. See *Atot deRabbi Natan B.* (ed. Schechter, 13 n. 22).

⁶⁷ See Finkel (1984) 249, 250 and see Klausner (1964, 37-40).

saw great danger in Jews listening to these teachings for they might be attracted to Christianity. Thus they erected barriers against the Christian teachers. This very story serves as a warning to the students of the sages of the appeal and severe consequences of listening to these Christian teachings. The story of Rabbi Eliezer was related as an example of these dangers.

The Babylonian version may be closer to the original since its forms accord more with Rabbi Akiba's form of talking to Rabbi Eliezer.⁷⁰ The prooftexts, likely later additions to a very early story, are found apart from this story in *Avot deRabbi Natan A* ch. 2. It might well be that the editor of *Avot deRabbi Natan A* had before him Toseftan material to Mishnah *Avot* (shared with the *Tosefta Hulin*) in which anti-Christian exegeses had been gathered.

The basic traditions behind *Avot deRabbi Natan* may be seen to have originated in the same circles as *Tosefta Avot*. *Avot deRabbi Natan* was properly considered a *Tosefta* to Mishnah *Avot* and even if the *Avot deRabbi Natan* text has undergone substantial editing in later periods many early traditions are still preserved in it. There is an expansion of the teaching in *Avot de Rabbi Natan A*, (ed. Schechter) 14. Here the teaching begins with an exposition of Proverbs 5:8 ("this is heresy") and ends with Proverbs 7:26 talking of the dangers of passing the door to the prostitute and falling victim to her wiles. Idolatry and prostitution are related concepts as both characterize a person as unfaithful. It would seem that the use of Proverbs 5:8 and 7:26 are not original to the story and fell into the Toseftan version from elsewhere to enhance the point of the story. These very verses from Proverbs are juxtaposed to each other in *Avot deRabbi Natan B* ch. 3 and elaborated upon in *Avot deRabbi Natan A* ch. 2 to make their familiar points. The message is that it is dangerous for one to talk and listen to Christian preachers.

Given this rabbinic attitude towards Christian teachings, it is highly unlikely that the Rabbis themselves would incorporate Christian homilies in their own *midrashim* as if they were rabbinic teachings. Yet, we do find evidence of Christian teachings and homilies embedded in the rabbinic corpus. We are left with two possible hypo-

⁷⁰ In Babylonian *Talmud Pesahim* 41a we find a *baraita* which records Rabbi Akiba saying to Rabbi Eliezer: "Did you not teach us?" and it is clear that Rabbi Eliezer had not taught this. Akiba there, like here, used a conventional, polite form of address when telling a teacher something new. *Tosefta Hulin* 2:20 adds a rabbinic teaching about fleeing from challenges posed by heretics and puts it into the mouth of Rabbi Eliezer as if this indeed was his teaching.

theses. One of them is that the Jewish teachings pre-date Christianity, were lost from early Jewish sources, survived only in Christian sources and medieval Jewish ones (independent of the Christian ones). David Flusser, 1990, has argued for this approach. The other is to suppose that Christian sources have been interpolated by untutored scribes who unwittingly lifted the Christian material from Jewish/Christian debates, recorded by rabbinic sages.²¹

These scribes must have been unaware that they were presenting Christian homilies. We shall examine a number of cases dealing with the social and ethical commandments of the *Decalogue* and their connection with the *commandment to love one's neighbor*. These two units are highlighted both as separate injunctions and also as intra-related sections. One can find clues here and there in rabbinic sources, which allow us to restore the fuller picture of how Christians used their understandings to condemn rabbinic attitudes towards themselves while the Rabbis used these same Christian insights to show how Christians failed to follow their own belief system in regards to the commandments.

Let us look at the phrasing of the main social commandments of the Decalogue in the Synoptic Gospels:

Mark 10:19 (Matthew 19:18, Luke 18:20):

You know the commandments: Do not kill, do not commit adultery,²² do not steal, do not bear false witness, do not defraud, honor your father and mother."

The commandment of "love your neighbor as yourself" was one of the primary biblical commandments for early Christians. There are many documents to this effect, but we will cite only five of them now:

Mark 12:28-31 (Matthew 22:37-38):

Which commandment is the first of all? Jesus answered, "The first is, 'Hear, O Israel: The Lord our God, the Lord is one; and you shall love the Lord your God with all your heart...'" (Deuteronomy 6:6). The

²¹ One wonders if these debates were based on actual debates or rather on generic types; likewise one wonders if Justin Martyr's record of his debate with Tryphon was actual or not. Undoubtedly such debates did occur and the evidence on both sides corroborates this.

²² This is the order of the sixth and seventh commandments in some versions of the Decalogue in the Septuagint and represents a text used by some Jews. It is the order usually cited in Christian texts. The Masoretic text places adultery as the sixth and murder as the seventh commandment of the Decalogue.

second one is this, 'You shall love your neighbor as yourself.' (Leviticus 19:18) There is no other commandment greater than these.

Galatians 5:14:

For the whole law is fulfilled in one word, "You shall love your neighbor as yourself." (Leviticus 19:18)

Then we have texts in which the Decalogue commandments and the commandment of neighborly love are read in conjunction with each other.

Romans 13:9-10:

...He who loves his neighbor has fulfilled the law. The commandments, "You shall not commit adultery, You shall not kill, You shall not steal, You shall not covet," and any other commandment, are summed up in one sentence, "You shall love your neighbor as yourself." ...love is the fulfilling of the law.

The Epistle of James 2:8-11:

If you really fulfill the royal law, according to the scripture, "You shall love your neighbor as yourself", you do well...For He who said, "Do not commit adultery," also said "Do not kill."

Didache chapter 2:

The Way of Life is this: First, "And you shall love God, your creator." Second, "(And you shall love) your neighbor as yourself." And whatever is distasteful to you, do not do to another. The meaning of these things is: Do not kill, do not commit adultery, do not bear false witness, do not fornicate, do not steal, do not covet that which belongs to your neighbor.

These sources are sometimes compared with rabbinic literature where the commandment "Love your neighbor" is held in high regard by Rabbi Akivah who considers it an over-arching principle in the Torah. (See *Sifra Kedoshim* to Leviticus 19:18). Although in some respects Jewish Christians and rabbinic sages shared a common Scripture, it was precisely the polarly opposed interpretations of a common canon that engendered so much enmity. In this regard, there is a very important passage in the New Testament Gospel of Luke 10:25-37. It occurs in a passage which is imbued with post-Crucifixion motifs amongst which is the commissioning of missionaries. It appears to be motivated by Church teachings for the community of missionaries. The narrative is broken by a question posed by a Pharisee to Jesus. We know this is a Pharisee because Luke identi-

sies him as a "lawyer" and the term "lawyer" is explicitly used in Matthew 22:34 to identify a "Pharisee" in this variant passage. In Mark 12:28, he is described as a "scribe."

Whereas in Matthew and Mark the issue is not one of confrontation but of inquiry (One asks Jesus, "Which commandment is the first of all?"), in Luke it is Jesus who asks this of a Pharisee who came to test his piety. And in Luke, it is the learned Jew who says, "Hear, O Israel: The Lord our God, the Lord is one; and you shall love the Lord your God with all your heart..." (Deuteronomy 6:6) and "[you shall love] your neighbor as yourself (Leviticus 19:18)."⁷¹ Apparently, Jesus asks him to read from a Torah which is conveniently at the scene. Perhaps the Jewish sage brought it for his test. Jesus points out what is written and then asks his opponent to look at two passages "What is written in the Law?" "How do you read?" perhaps an invitation to read the passages aloud. It would seem Jesus points out the responses (namely, "And you shall love the Lord your God with all your heart"..."And [you shall love] your neighbor as yourself") he desires. Jesus then praises the Pharisee for his good answers and tells him if he keeps these two commandments he will have eternal life. Unlike the version of Luke, the versions of Matthew and Mark agree about the interchange in so far as it is Jesus who tells the Pharisee the two love commandments without asking leading questions. All in all, Luke seems to have modified the original interchange into a forum in which the Pharisee appears to have been bested on his own reading of the Law.

To continue with the Lucan passage we find that the lawyer continues the debate in order to justify his rejection of Jesus, "And who is my neighbor?" he asks. The answer, again elicited from the mouth of the Pharisee, is somewhat unexpected: a merciful Samar-

⁷¹ This passage cannot be used to justify the claim that Jews juxtaposed the two love commandments in the first century. Matthew and Mark have the juxtaposition in Jesus' mouth and this seems to be the original tradition. Luke has cast the scene in typical debate form which requires the opponent be led to affirm Jesus' position and is therefore put into the mouth of the Jew. Luke apparently changed the focus of the teaching from Jesus to the lawyer to create a debate in which Jesus would elicit his teachings from the mouth of his opponent. Rather than see here an original pharisaic teaching, it is more likely we have an undermining of the Jewish exclusion of heretics and Christians from the term "neighbor" in Leviticus 19:18. Luke's scene need not be understood to mean that first century Pharisees had juxtaposed the two love commandments in the way Matthew and Mark present the teaching.

itan (a sectarian whom one might categorize as heretic and enemy)¹⁴ might be a good neighbor if he shows compassion. This question "and who is my neighbor" forms the pivot of several Jewish/Christian debates in both Jewish and Christian sources, not necessarily because Jews excluded non-Jews from this commandment; Leviticus 19:33 itself forbids the exclusion of converts and resident aliens. Yet, the Rabbis excluded heretics and apostates; namely, Jewish Christians.¹⁵ This exclusion was the source of friction between Jews and Christians in the early rabbinic period and perhaps the Gospels contain some evidence of the Jewish exclusion of Christians from the love commandment in the 1st century.¹⁶ Rabbinic sources have several references to the problems caused by Christians using Israel's Scriptures and even seeing themselves as the Israel mentioned in them.¹⁷ Several of the Rabbis held Jewish Christians in contempt for this very reason alone. One of them is reported to have said if someone were to chase after him to kill him, or even if a snake were to pursue him to bite him he should take shelter in an idolatrous temple rather than run into a Jewish Christian church. The reason given for this advice turns out to be that the latter are worse than idolators since they know the divine will and deny it.¹⁸

The rabbinic sources hint of heated debates between the two sides. But there are some very peculiar twists in our sources and we will have to consider them one at a time to determine the textual history of these sources. In some late collections of ancient Jewish commentaries to Scripture, what may be Jewish Christian interpretations, on rare occasion, appear in the midrashic collections as if they were

¹⁴ See J. T. Sanders (1993: 146-149) for a review of the literature concerning the Jewish-Samaritan rift.

¹⁵ While Luke could not really speak of Christians in his Gospel there were none in the time of Jesus, he could speak of another fringe group which the scribes considered to be heretical. Hence he utilized the figure of a Samaritan. See Finkel (1981: 237) for a list of sources identifying names with Samaritans.

¹⁶ According to the *Avotai in Kallah Rabbati* ch. 6 when Rabbi Eliezer was on his death bed he told his students that they should be careful about the honor due one's fellow and to have full awareness of their devotion to God when they stand in prayer. The talmudic commentator in this minor tractate refers to "And you shall love your neighbor as yourself. I am the lord." But does not cite "And you shall love the Lord your God." There is no evidence here that Jews juxtaposed the two commandments although love of mankind and love of God were recurrent themes in their sermons.

¹⁷ See *Tanhuma* "ki tissa" beginning of 34. [The Gentiles say] "And we are Israel." The Christian view is put forward by Justin Martyr in his *Dialogue with Trypho*.

¹⁸ See Babylonian Talmud Shabbat 116b.

rabbinic words. This material has not been widely discussed in English before and I present that material, with some tentative analysis, to encourage further enquiry into this puzzlement.

In order to study this development we will start with a relatively straight-forward source to understand the rabbinic sanction to promote hatred of the Jewish Christians. Perhaps this selection itself is a witness to the debates in the early Christian period. This selection gains additional significance when we consider its context in the light of the Christian challenge to the Jewish Elders of Matthew 5:43: "You have heard that it was said 'You shall love your neighbor,' therefore⁷⁶ hate your enemy." Apparently deductions of exclusions like "therefore hate your enemy" were common amongst the Pharisees when it is remembered that "enemy" refers to heretics. It might well be that Matthew 5:43 reflects an answer to Jewish polemics excluding Christians from the love commandment and was part of the ongoing conflict between the Pharisees and the Christians. The statement might well be post Jesus. However, it is possible that other enemies are meant as well—enemies who were ethnically Jewish but were opponents of the Pharisees.

Avtot deRabbi Natan

Avtot deRabbi Nathan A (end of chapter 16) explains the words of Rabbi Joshua: "The evil eye, the evil inclination, and misanthropy expel man from this world" (*Mishnah Avot* 2:11). The matter of misanthropy is explained as follows:

And what do we learn concerning the condemnation of misanthropy? This teaches that one should not be clever⁷⁷ and deduce: "Love the Sages," therefore hate their students,⁷⁸ or "Love the students," there-

⁷⁶"The word "and" after a direct command signifies "therefore" both in Matthew and in the following excerpt from *Avtot deRabbi Natan* where "and" is the original text, but connotes "therefore."

⁷⁷Probably one could argue that the commandment, "And you shall love your neighbor as yourself" refers to that neighbor who is "as yourself"—a sage (to sage), a student (to a student), an ignoramus (to an ignoramus—depending on who you are yourself). Judah Goldin (1974) translates this as "No man should think of saying..."

⁷⁸This is not a proper deduction of what is discerned by the term "misanthropy." The opposite would be "philanthropy"—love of one's fellow. Who is included as "one's fellow" forms the context of the teaching. Apparently, someone is to be excluded but it is difficult to know why this assumption is made. All we

sore hate the ignorant; but the proper deduction is "Love everyone" therefore hate the heretics and the apostates [to Christianity] and the informants.¹²

And thus David said: "Do I not hate them that hate Thee, O Lord? And do I not loathe them that rise up against Thee? I hate them with perfect hatred; I count them my enemies" (Psalm 139, 21-22).¹³

Does it not say, "Love your neighbor as yourself;¹⁴ I am the Lord (Bereit, I created him)"¹⁵ (Leviticus 19:18). So then if one behaves as "your people," you must love him, but if he does not so behave, you must not love him.

The latter paragraph poses a question: Does not Leviticus teach us that you are supposed to love everyone, including "heretics, informants and apostates?" This verse is cited to pose an apparent contradiction to the rabbinic teaching encouraging hatred of them and so requires an answer to justify the teaching. As the text now stands, the answer does not respond to the question. "So then if one behaves as your people" does not seem a germane response to the challenge from the love commandment in Leviticus. Something is wrong with the internal logic of the text. To make sense of this, we will have to correct it somewhat. By simply introducing the opening of the verse of Leviticus into the text of the midrash we can comprehend the midrashic passage much more clearly. We suggest citing the biblical verse, Leviticus 19:18, in its entirety and now the end of the midrash will read:

can surmise is that the tradition of "love of neighbor" precludes any hatreds. Why then does it not preclude hatred of apostates?

¹² Scherchter's version of *Avot deRabbi Nathan* 6:1. Compare the list of enemies of the Rabbis in *Tosefta Sanhedrin* 13:5.

¹³ This passage is a late scribal interpolation in the pericopae. It is found in Babylonian Talmud *Shabbat* 116a, Jerusalem Talmud *Shabbat* 16:1, *Sanhedrin* 2, *Tosefta Shabbat* 1:4, *Mekhilta of Rabbi Ishmael Beshalah* Shurash 6, *Sifre Deuteronomy* piska 331. The passage cannot be integral to the midrash as it renders the remainder of our midrash redundant in that it provides a biblical verse to justify hating heretics. That is the whole point of the remainder of the pericopae. The passage should be bracketed as an addition.

¹⁴ We just finished saying that the intent of these words is not to exclude anyone. How then can you now make an exclusion? Some texts add "And why is that?" here.

¹⁵ This is not part of a biblical verse nor is it a known midrash, but an error that made its way into this text, and into the new text: "Love your neighbor as yourself. I am the Lord. I created him." Goldin (1974) renders here: "Because I [the Lord] have created him." He appeals to Isaiah 43:8 which he thinks accounts for the reading here. This is indeed how the text reads but it is highly dubious this reading is original. It adds nothing relevant to the point here nor to the point of the next passage. It seems to have made its way in here by a scribal error of some

You shall not take vengeance or bear any hatred⁶⁶ against the children of your people, but you shall love your neighbor as yourself: I am the Lord." So then if one behaves as "your people" you must love him, but if not, you must not love him.

The essence of the homily is clearly being informed by the reference to "your people" in Leviticus. We can prove this by looking at another homily, this time on Exodus 22:27, which says "A ruler amongst your people you shall not curse." Babylonian Talmud *Yomaot* 22b and *Babba Kama* 94b—interpret the ruler amongst "your people" (Exodus 22:27 or some editions 22:28) to mean that one must not curse the ruler; yet, this is so only "if [he] behaves as your people" (and is not a heretic); if he does not behave that way, then one might well curse him. This latter midrash makes it clear that the Rabbis did not exempt anyone from practising cordial social norms in respect to those who acted as heretics except in those few cases where Scripture (eg. Exodus 22:27) explicitly qualified practising the norm by using the words "your people." Since our midrash, in its extant version, in *Avot deRabbi Natan* qualifies who must be loved and who not by reference to "your people" we must assume the reference is to that part of Leviticus 19:18 which mentions "your people."⁶⁷ The midrash has to be emended accordingly.

It is likely that the context of the above midrash is to be found in the atmosphere of Jewish and Christian disputations of the early Christian Era. The Christians considered Jewish hatred of the Jewish Christians to be a grave infraction of Scripture which was unjustifiable. I humbly suggest the following emended version represents the original tradition behind our midrash in *Avot deRabbi Natan*

late copyist. Undoubtedly, it belonged to another midrash, now lost, which provided the rational for adding the words "I am the Lord" after "And you shall love your neighbor as yourself: God created both him and you." I suspect there had once been a collection of "Love your neighbor" midrashim.

⁶⁷ This is tradition in both the Jewish *Targum Onkelos* and the Christian Syriac translation of the Bible or *Peshua*.

⁶⁸ For a paraphrase of Leviticus 19:18 in this regard see *Avot deRabbi Natan* B ch. 26: If you love your neighbor whose behavior is proper in the way yours is, then I the Lord am certain to have mercy upon you. That is the verse is read by equating the phrase as yourself in "love your neighbor as yourself" with "children of your people"; that is, if you act as a proper Jew and someone else does not then it is proper not to love him. But if you do not act properly and [he] does not act properly and you hate him then God will punish you, and if you act properly and he acts properly and you love him, then God will love you. That is why the verse ends with the notice: I am the Lord.

A ch. 16 to read in its entirety as follows.

And what do we learn concerning⁸⁸ the condemnation of misanthropy?⁸⁹ This reaches that one should not be clever and deduce: "Love the Sages," therefore hate their students, or "Love the students," therefore hate the ignorant; but the proper deduction is "Love everyone" therefore hate the heretics and the apostates [to Christianity] and the informants! Did Scripture not say, "Love your neighbor as yourself, I AM THE LORD"?⁹⁰

At the opening of the verse, Leviticus 19:18 what does Scripture say? "And you shall not take vengeance or bear any hatred against the children of your people, but you shall love your neighbor as yourself: I AM THE LORD." So then if one behaves as "your people" you must love him, but if not, you must not love him.⁹¹

The correctness of this proposed version is enhanced by the realization that most likely the scribe's eye jumped from the first citation of "I am the Lord" to the second citation of it and he dropped the intervening lines. The technical term for this jump is homoioteleuton and it is a frequent occurrence in the copying of manuscripts.

At any rate, it seems rather certain that we have here an echo of part of a typical "Jewish Christian versus Pharisee (or Rabbi) debate." In this case the Jewish Christian opposes the opinion of the Pharisee (Rabbi) that it is permissible for Jews to hate heretics and he cites the biblical verse that stands, first and foremost, as the major principle in Christian thought. The response of the Jewish sage does not minimize the importance of the verse, "Love your neighbor as yourself" (which is likewise a great inclusive principle in the Torah—so says Rabbi Akiva according to the words of the Yerushalmi Talmud, *Nedarim* 9:4 and *Sifra to Kedoshim* 19:18) and is not to be underestimated in any way. On the contrary, he says, if it is permitted to hate heretics, despite the major commandment of the God to love all creatures, it must be that God considers sectarians to be the most evil of all and therefore an exception.⁹²

⁸⁸ Hebrew "keitsad": the term is used in Tannaitic literature of the two first Christian centuries as a way of asking what further details we have concerning material known from more general teachings of Rabbis. We should therefore date this material to the earlier strata of debates.

⁸⁹ Exclaims the Christian.

⁹⁰ See Setzer (1994) 142-46 for the Christian charge that Jews are taught to hate Christians.

Tosefta Shevuot

Now we will offer an explanation of another debate between Jews and Christians which again requires some speculation on its context to restore its primary sense.

Tosefta Shevuot 3:6:

Hanania ben Kirai explains: [Scripture states:] "[A person who sins and deceives God] and negates his fellow." (Leviticus 5:21; in some biblical versions, Leviticus 6:1).

[This means] a person does not negate his fellow⁹¹ unless he has already diminished his Root (i.e. he is an atheist).

Once Rabbi Reuven delivered a [Sabbath] homily⁹² in Tiberius and a philosopher challenged him.⁹³

He said to him: Who is always rebellious (i.e. lawless)?⁹⁴ He replied to him: The one who denies the One who created him (i.e. you are rebellious and also atheist). **R** said: How so? He replied to him: [We all agree upon] "Honor your father and your mother, do not kill, do not commit adultery, do not steal, do not give false witness, do not covet your neighbor's possessions." Now [Leviticus 5:21 champions concord and claims] a person cannot negate a [social] role (Heb: *davar*) without diminishing the Root. In fact, a person does not go to perform a transgression unless **R** has already denied the One who commanded it.

This passage defies ready interpretation. However, if the story is to have a point in its literary setting, the reference to Leviticus 5:21 in the Toseftan law code, must carry over into the story which follows it. At the outset, we notice here that a debate between a Christian and a Jew is centered on a discussion of rebelliousness and lawlessness. Stanton (1985, 377-79) has provided us with a fine study to show us that the charge of lawlessness and godlessness was a frequent charge that Jews levelled at Christians in the period of the Church Fathers. This Toseftan passage seems to have been torn out of some larger document and to have been poorly preserved so we do not follow at all the thrust of the larger debate here. Suffice it to say that

⁹¹ Breach a trust, deny a deposit.

⁹² Jacob Neusner (1981: 281-82 renders **R**, as most would, "spent the Sabbath." However, it has a specialized meaning here.)

⁹³ "Philosopher" here is a term for a Christian, likely a Jewish Christian. Neusner (op. cit.) gives us, as most would: "And a certain philosopher came across him." Again we likely have specialized meanings in these terms.

⁹⁴ So asks the Christian. Neusner (1981: renders literally "What is most hateful in the World?" The spelling suggests "shavui"—rebellious. "Ba'olam" is sometimes idiomatic for "typically."

the Jewish Christian philosopher here is bothered that Jews claim Christians are rebellious when in fact it is they who negate the Law of Love. The Jew responds that Christians can be called lawless because they can be called atheists. The precise sense of the passage is ambiguous but that much we can surmise. The Jew's arguments centers on the Christian's acceptance of the last half of the Ten Commandments. He apparently wants to show them they do accept at least part of the Law and that is sufficient to justify the claim, on their own terms, that since many Christians break these rules they are rightly called lawless and atheists. Of course, Jews could be called these things also. The Tosefta passage begins by calling Jews who break social commandments by the term "atheists." Jews did not deny such terms could apply to them.

It seems Christians did. The Rabbi simply wants to justify the Jewish claim that Christians were "rebellious and atheists." It is possible that New Testament teachings linking love of fellow and love of God together were designed to counter the Jewish charge of lawlessness and atheism. Paul and James imply that early Christians had a cavalier attitude towards the social commandments; an attitude which both writers wanted to correct.

The Tosefta *Shevot* passage begins by stating an interpretation concerning Leviticus 5:21 which intimates the relationship between ethical rules and faith in God the creator. One might imagine that the editor happened to know a story which utilized this relationship and it might likely have been the source of the exegesis. The tie between Leviticus 5:21 and the social commandments of the Decalogue in Christian thought is attested as early as the beginning of the 2nd century.⁶⁵ Pliny,⁶⁶ in a letter to Trajan (10.96), refers to the major Christian rite being an oath to abstain from theft, robbery, adultery, breach of faith—not to deny a deposit which was claimed.⁶⁷ This testimony ties together Leviticus 5:21 and Decalogue teachings.⁶⁸ The Tosefta has probably preserved, albeit in fragmented form, the essence of a Christian oath as part of the Toseftan commentary to Leviticus 5. There is no reason to suspect that the story is a fictitious story on the part of the editor. As matters stand now, the story

⁶⁵ See M. E. Andrew and J. J. Staton (1967) 22-75.

⁶⁶ See G. J. Kraemer (1934) 293-300.

⁶⁷ See Pliny's letter in Betzenstein (1947) 5-7.

⁶⁸ Cf A. B. Nock (1964) 22-3.

could be omitted from Tosefta with no loss whatsoever.

Let us explain our rendering of the above translation and slight interpolations in the Tosefta *Shevot* passage above. We suggest that Rabbi Reuven delivered his Sabbath homily in Tiberius. The meaning of "shavat" is taken to mean "deliver a [Sabbath] sermon" (literally, to sit in session) rather than posit that he spent the Sabbath there or placed a technical residence there in accordance with legal requirements for travellers. This meaning is derived from *Mekhilta deRabbi Ishmael parshat Bo*, Pisha 16:18. We read there: "Could it be that Rabbi Elazar the son of Azariah gave a lecture [on the Sabbath?] (Hebrew: *shavat*) and did not teach anything new to you?" "Shavat" has to mean "hold a study session." Likewise Babylonian Talmud *Eruvin* 29a and Talmud Yerushalmi *Eruvin* 3:1 relate, "Once Rabbi Meir delivered a [Sabbath] homily (*shavat*) in Erdiska and a man came..." The parallel reading of Tosefta *Eruvin* 9:4 shows this has to be the meaning since it says: "Once we were sitting before Rabbi Meir in the Study Hall in Erdiskos and someone said..." The context of the discussion makes it clear that Rabbi Meir was teaching them on the Sabbath when he was consulted. "Shavat" is the same form of expression used in Tosefta *Shevot*: "Once Rabbi Reuven delivered a Sabbath homily in Tiberius." The expression is again used in Babylonian Talmud *Shabbat* 29b and the Toseftan parallel has "srwyn," which might mean "to lodge" but also "to discuss legal matters." Again the context makes it clear that there was a session of the sages on the Sabbath. I do not know, if the term is used only for Sabbath meetings (and is related to the word *Shabbat* i.e. Sabbath); or if the word means to "sit in study session" (and is related to *yeshiva* or *moshav*, i.e. study council), a regular activity of the Sabbath in those times. However, in most cases, the contexts stipulate that we are speaking of large gatherings on the Sabbath for the purpose of study and clarification of traditional lore.

Therefore, it seems appropriate to conclude that in our case above the Christian challenged the Rabbi during his public, Sabbath sermon in the study hall. Apparently he did not approve of the contents of the sermon. We will assume that his sermon offended Christian sensibilities and he was challenged on that point. "Matzo" in these contexts of debate must refer to a challenge rather than simply "happening upon." The usage of "matzo" (literally "found him") here operates exactly the same as the one found in the Tosefta *Haggiga* 2:12 where we read about a student of the School of Hillel who leaned

on the "olah sacrifice" in the Temple courtyard on a festival day contrary to the ruling of the School of Shammai:

A student from the School of Shammai challenged (*matzo*) him. He said to him—Do you know the rules of leaning? He replied to him—Do you know the rules of silence? He quieted him with this rebuke.

Here the term "matzo" certainly operates as a challenge to another's opinion. Challenges in these "matzo" contexts require a response to correct the point of confrontation, even if only a sarcastic one. In the Babylonian Talmud *Avodah Zarah* 16b passage cited above Rabbi Eliezer failed to respond to the challenge (*matzani*) of the Jewish heretic and was therefore criticized. We can establish now that the *Tosefta Shevut* text concerns a challenge to rabbinic complaints about Christians.

To appreciate the references in the passage cited above, we might look at some Christian doctrines: Romans 13:9-10 says:

"He who loves his neighbor has fulfilled the law. The commandments, 'You shall not commit adultery. You shall not kill. You shall not steal. You shall not covet,' and any other commandment, are summed up in one sentence, 'You shall love your neighbor as yourself.' ...love is the fulfilling of the law."

The various commandments are really subject to the greater law of love—to break a single one is to transgress the whole law. The particular is subject to the main tenet. This is even more clear in the Epistle of James 2:8-11:

"If you really fulfill the royal law, according to the scripture, 'You shall love your neighbor as yourself', you do well...For He who said, 'Do not commit adultery,' also said 'Do not kill.'

The point of our discussion now is simply to use the *Tosefta* to show another instance where Christians challenged Jews to justify their heated rhetoric against Christians. Question: why did Jews say Christians were lawless? Answer: because they were atheists. The two charges are actually the same one. The Christian is perplexed and the Rabbi produces a philosophic type of argument to justify the heated rhetoric. The social commandments are scriptural dictates as well and so guaranteed by God. Thus, to deny the commandment is to deny the commander. This philosophic type of argument lies behind the heated rhetoric. This is the teaching derived from Leviticus 5:21, "[A person who sins and deceives God] and negates his fellow."

We next note late midrashim that reflect the Christian teachings of love as if in their entirety they were Jewish to begin with. And just as we have had to re-adjust the previous texts we will have to re-adjust the next one. This one requires substantial adjustment and few will find reason to object to these adjustments. In short, we posit the text before us has been subject to an interpolation.

Pitman Torah, parashat Kedoshim

1/ "And you shall love your neighbor as yourself" (Leviticus 19:18). This commandment includes the observance of all the negative commandments which were stated in respect to treating human beings. For whenever you perform the commandment of "And you shall love your neighbor," you will have thereby fulfilled²⁹ your obedience of: do not take the Lord's name in vain, and do not kill, and do not steal, and do not bear false witness and do not covet (Exodus 20:7,13-17) and all such similar commandments.

2/ For sages have said: All of the commandments in the Torah are dependent on two verses; the first, "And you shall love the Lord your God," (Deuteronomy 6:6), and the second, "And you shall love your neighbor as yourself" (Leviticus 19:18). That is, the two-hundred and forty eight positive commandments are dependent upon "Love the Lord your God etc." For anyone who loves God and loves himself will perform them. And all of the negative commandments are dependent on "And you shall love your neighbor as yourself." For whenever you will fulfill "And you shall love your neighbor as yourself," these, i.e. all of the negative precepts, you will have fulfilled.

3/ Also concerning the sojourner, Scripture states "[The stranger who sojourns with you shall be] to you as the native amongst you, [and you shall love him as yourself]." (Leviticus 19:33). From here sages derived: What is hateful to you do not do to your fellow.

There is an equal likelihood that that the first (1/) and last (3/) passages are drawn from either a Jewish or a non-Jewish source. The middle section, as will soon be explained, is an interpolation, for whatever reason, of some poorly constructed thoughts. Our midrash concludes with the saying, "What is hateful to you do not do to your fellow" which is the dictum attributed to Hillel³⁰ and echoed by

²⁹ Fulfilled these through some positive act of mind. Not doing, that is lack of action, hardly is sufficient to bring one any merit of fulfillment. The act of love gives fulfillment to these negative precepts and allows one to gain merit on that account.

³⁰ See Babylonian Talmud *Shabbat* 31a.

Rabbi Akivah.¹⁰¹ But this saying also was attributed by Christians to the God-fearing Jews,¹⁰² who loved their fellow.¹⁰³ It was claimed the Christians received the following citation as a definite tradition and it was recorded in an early Christian document: "What you wish not to be done to you, do not do to others."¹⁰⁴ While the dictum is known both from Jewish sources and Christian sources, the phrasing in *Pitron Torah* is decidedly that of Hillel or Akiba and one may wish to argue this fact points to a Jewish source for the midrash in *Pitron Torah*. The retort would be that it is entirely possible that a Jew translated the entire section from a Jewish Christian source and used the wording of Hillel/Akiba with which he was most familiar. In other words, the Jewish form of the saying in *Pitron Torah* tells us nothing about the provenance of the material at all.¹⁰⁵ Indeed, the saying in the *Recognitiones* is followed by a list of ethical commandments from the Decalogue that matches those in *Pitron Torah*. That list is also found in *Didache* following the commandments of love of neighbor and love of God and the golden rule (in its negative formulation), all Christian sources.

What is even more bewildering is that a similar list of ethical commandments is attached to the saying of Hillel by the medieval author Rashi in his commentary to Babylonian Talmud *Shabbat* 31a. Not only this, but Rashi also mentions love of God and love of man in connection with Hillel's saying, as does the Christian *Didache* and also the Jewish *Pitron Torah*. Furthermore, after citing the Rabbinic dictum "And you shall love your neighbor as yourself is the great rule of the Torah" the medieval author of the Jewish *Sefer ha-Hinukh* provides a list of social commandments which are almost identical to the Christian lists (also following the notice that love of neighbor is the great

¹⁰¹ See *Avot deRabbi Natan B.* ch. 26.

¹⁰² Flusser (1990) discusses the Christian sources and prefers to think that they are likely copied from ancient Jewish sources but this by no means certain.

¹⁰³ Perhaps God-fearing Jew is a term for Jewish Christians used by gentile Christians (like in *Didache* ch. 1) or perhaps it really does mean Jews who are not Christian at all as Flusser thinks (like *Treatment of Nephshah*, *Tobit*, and *Philo*). If it refers to Christians it must mean they received this tradition in the name of Jesus and I tend to think this is the likeliest possibility. Thus, the passage in *Pitron Torah* might really be Christian or that of Jesus, with an interpolation to make it sound rabbinic.

¹⁰⁴ Flusser draws our attention to *Recognitiones*, Berlin, 1965, 253. The *Recognitiones* deals with Jannes and Jewish Christian communities.

¹⁰⁵ See further, Bacher (1890-1903, 4) and see the work by Johann Philippidis Leonidas (1929) which is devoted to the forms of the saying in many religious traditions.

rule of the Torah; so *Didache*, Romans and James) and also found in *Pitron Torah* after mention of "And you shall love your neighbor." Are these simply shared traditions stemming from more ancient Jewish, pre-Christian sources or have the Christian formulations found their way into rabbinic texts? Perhaps a more detailed examination of the midrash in *Pitron Torah* can help us untangle this web.

What we have to decide is this: Is the first (1/) section an expansion of Rabbi Akiba's well known remark in *Sifra Kedoshim* to Leviticus 19:18 (and Talmud Yerushalmi, *Yederim* 9:4)? Is it his comment, "The verse, 'And you shall love your neighbor as thyself' is the major principle in the Torah" that *Pitron Torah* explains in reference to both the social commandments of the Decalogue "and similar laws to these?" Or is the *Pitron Torah* pericope based on some Christian teaching alone? In favor of the view that the midrash is Jewish we have the citation of the author of *Sefer ha-Hinukh* who cites the love commandment as the-all inclusive principle of the Torah and follows it with a comparable list from the Decalogue "and similar laws to these." Furthermore we have Rashi's very comparable statement in his commentary to *Shabbat* 31a. So perhaps *Pitron Torah* has some common Jewish source which is no longer extant. On the other hand, in favor of the view that we have a Christian source, we observe that in *Pitron Torah* we have not only the love commandment followed by the social laws but also the notion that there is fulfillment of these laws in the very act of loving one's neighbor. The precise formulation is not found exactly this way in any Jewish source but is found in Romans 13:9-10 and James 2:8-11. However, the implication in the medieval Jewish sources is certainly to the same effect. More thought has to be given to these considerations.

A detailed examination of the passage suggests that most likely the reference to loving strangers found at the end of section 3/ in *Pitron Torah* belongs with section 1/ which is a fitting conclusion for it. It nicely completes the unit dealing with love of neighbor (which enables one to fulfill a negative precept while doing the positive one) and extends it:

Also concerning the sojourner, Scripture states "The stranger who sojourned with you shall be] to you as the native amongst you, [and you shall love him as yourself;]" (Leviticus 19:34) From here sages derived: *What is hateful to you do not do to your fellow.*

We can now break our passage into two units. This will enable us to see both sections as separate parts of two different Jewish debates with Christians. We have already noted that "And you shall love your

"neighbor as yourself" was often used by Christians to challenge rabbinic antipathy towards Christians. The Jewish responses were varied. I suggest we have here two separate responses which became intertwined. The first response was simply to say that Jews are obligated to love everyone, including sojourning strangers. The point is defensive and meant to lessen hostility. This represents a more conciliatory stance than we have seen up until now and the piece might well date from the post-Constantine period when Christendom had gained new power over Jews.

We posit that the original tradition behind *Pitron Torah* read something like this:

"And you shall love your neighbor as yourself" (Lev. 19:18). This commandment includes the observance of all the negative commandments which were stated in respect to treating human beings. For whenever you perform the commandment of "And you shall love your neighbor," you will have thereby fulfilled your obedience [i.e.,] Do not take the Lord's name in vain, and do not kill, and do not steal, and do not bear false witness and do not covet (Exodus 20:7,13-17) and all such similar commandments. Also concerning the sojourner, Scripture states "[The stranger who sojourned with you shall be] to you as the native amongst you, [and you shall love him as yourself]" (Leviticus 19:33). From here sages derived: *What is hateful to you do not do to your fellow*.

The Rabbis simply presented a teaching on the verse "love your neighbor" and at the end even showed their particular understanding was consonant with early Jewish teachings. And furthermore, they were content to notice all social commandments of a "do not..." nature were obligatory on Christians,¹⁰⁶ if they would follow them. Rashi and the author of *Sefat ha-Hinukh* were able to use examples similar to this *Pitron Torah* midrash because they signalled an authentic Jewish teaching of Hillel or Akiba. Furthermore we will find that such teachings infiltrated Jewish collections of midrashim throughout the medieval period. The real thrust of the debate in the next section of the midrash points out that the first Christian sages demanded more of Christians than the observance of the social commandments. This is done by showing evidence that these Christian teachers extended the rule of love to include love of God as well as love of neighbor. This paragraph of midrash represents the Jewish argument against the Christian preachers to ignore the ritual laws. In this way, you Christians treat love your neighbor to include many laws, consisten-

¹⁰⁶ I.e. upon those who accepted the preeminence of the dual love commandments.

cy demands love of God be treated with equal rigor.

What is relayed in the name of "sages" who speak of: "the first [commandment]," "the second", is exactly like the words reported of Jesus (Mark 12:28-31 and Matthew 22:37-38):

Which commandment is the *first* of all? Jesus answered: "The *first* is 'Hear, O Israel: the Lord our God, the Lord is one, and you shall love the Lord your God etc.' The *second* is this. 'You shall love your neighbor as yourself'. There is no other commandment greater than these."

These New Testament passages also say that on these two major commandments rest all the other commandments of the Torah. Likewise *Didache* chapter 2 echoes the usage of "first;" "second":

First, "And you shall love God, your creator. *Second*, [And you shall love] your neighbor as yourself. And whatever is distasteful to you, do not do to another. The meaning of these teachings is: Do not kill, do not commit adultery, do not bear false witness, do not fornicate, do not steal, do not covet that which belongs to your neighbor.

It is highly unlikely that it is sheer coincidence that midrash *Pirion Torah* utilizes "first" and "second" precisely in the way it does without any dependence on a Christian source. The normal rabbinic usage of counting can be found in Babylonian Talmud *Makkot* 24a where the number of items to be enumerated is stated outright, there are four things etc." and this is followed by the various biblical citations without stating which is first, second and third etc.¹⁰¹ It is also highly unlikely that any ancient Jewish, pre-Christian source existed that used precisely this very expression which was then borrowed by the author of the Jesus' sayings in the New Testament. D. Flusser's (1990) assertion that this must be the case is ill-founded. No one has ever found such a Jewish source that could be dated before the 12th century, let alone prior to the 2nd century. There is no such source found in the entire corpus of Midrash and Talmud. There can be no doubt that this formulation in the Jewish *Pirion Torah* anthology is entirely from a Christian source. The original point of the passage might well have been to expand the idea of Chris-

¹⁰¹ There are many many examples of this form. We should note that in the *Midrasha to Esther Rabba* there is a passage to the effect that in three places Scripture warns the Israelites not to return to Egypt and indeed enumerates the verses: "First..., second..., third..." However, when we set the earlier source material from which *Esther R.* drew we can see these numerical expressions were later embellishments and additions. They are in no way original to the tradition. The original form of the rabbinic tradition can be found in *Alkhitra Rabbi Ishmael*, *Berachot* *Parshat 2*, a Talmud Yerushalmi *Sukkah* 5:2. I have not found a similar instance of stating "first-second-third," in rabbinic literature.

tians that they were obligated in "Thou shalt nots" of an ethical nature by telling them their obligation extended to even those "shalt nots" of a ritual nature most of which the Christians rejected.

Whoever added the unit claiming the positive commandments are the "fulfillers", as it were, of another positive commandment, "And you shall love the Lord your God" made an egregious error. Positive commandments (requiring commission) demand some act, and are not passive as are negative commandments (requiring restraint). The act of doing any positive commandment fulfills itself and does not need to rest upon, or be included with, some other positive commandment to find its act of fulfillment. Such hermeneutic is found nowhere else in the entire Rabbinic or Christian corpus. This confused addition is nothing but empty nonsense, unworthy of any competent biblical exegete. This addition has to be deleted. Further emendation is necessary as a result. The above is only the first of five reasons for suspecting corruption in the passages. The five, including this one, are:

1) While the claim of 1/ is possible in that that a negative commandment is fulfilled by a positive commandment, the reverse is simply impossible - a positive commandment is in itself "fulfilled" on its own - one is doing something, not abstaining from something. Therefore the positive act does not require another commandment to make it active.

2) It is impossible in 2/ to claim that every negative commandment, whether between man and man, whether between man and God, is now included in "And you shall love your neighbor as yourself". We already saw in section 1/ "And you shall love your neighbor as yourself" is a general principle covering all of the negative commandments between people. The midrash stressed "in respect to human beings." Not God. This verse, according to the admission in *Pitron Torah*, can fit obligations only towards people, but it cannot apply to obligations towards God.

3) One notes the oddity in the switch in the verb usages between second and third persons in 2/. In particular: "For anyone who loves God and loves himself will perform them" on the one hand; but, "For whenever you fulfill 'And you shall love your neighbor as yourself' you will have fulfilled all of these negative precepts." on the other.

4) The words "these, all" at the end of 2/ are awkward in the Hebrew and required a note in the Hebrew edition as they have no clear meaning in the last sentence in 2/: "For whenever you will fulfill

'And you shall love your neighbor as yourself' THESE, [i.e.] ALL of the negative precepts, you will have fulfilled.

5) The number of positive commandments is explicitly mentioned—248, but the analogous number of negative precepts (365) is not listed at all.

Viewing all of these difficulties in the text, we are compelled to omit the sections in double brackets and thereby solve every problem:

For [your]¹⁰⁸ sages said; all of the commandments in the Torah are dependent on two verses: the first, "And you shall love the Lord your God;" and the second, "And you shall love your neighbor as yourself." ; That is, the two-hundred-and-forty-eight positive commandments are dependent upon "Love the Lord your God etc." For anyone who loves God and loves himself will perform them. And all of the negative commandments are dependent on "And you shall love your neighbor as yourself"; For whenever you will fulfill ("And you shall love your neighbor as yourself") these, all of the negative precepts you will have fulfilled.

The point seems to be that when taken together, both love commandments govern all the negative precepts in the Torah. Love of God subsumes those restraints concerning the rituals, love of neighbor subsumes those restraints concerning ethics. The rubric of "love of neighbor" is the fulfillment of the negative commandments between man and man. The rubric of "love of God" is the fulfillment of the negative commandments between man and God. The concept of fulfillment applies only to negative commandments, and not positive ones. In sum, the passage says: the "Love your neighbor" refers to the negative commandments between man and his fellow; "Love the Lord your God" refers to the negative commandments between man and God.

This paragraph suggests even ritual laws of a "thou shalt not" nature should be enveloped in Christian teaching. Instead of taking the usual interpretation of the gospel teaching, that is, there are only two commandments worth following, a Jewish preacher is suggesting that Jesus meant each and every negative commandment is either one concerning love of God or love of man. Thus, all the negative commandments are to be followed by Christians, and not only the social ones.

The interpolator, who added the words above in double brackets, extended the gospel teaching of the two love commandments

¹⁰⁸ The Hebrew "hakham" is shortened here and the reader might best read "hakhmechem"—"your sages" or perhaps "hakhneibem"—"their sages" as it might have been in its original polemical setting

being the whole Law) to incorporate all the commandments of the Torah, including the positive precepts. He tried, however clumsily, to suggest all 613 commandments in the Torah are bound up with the fulfillment of the two love commandments. Christians, then, are duty bound to fulfill the whole of the Law.

In what I take as the original version that lies behind the passage in *Pitron Torah* we find here an authentic Jewish response: Christians are, by their own account, obligated to follow the Torah's rules proscribing any anti-social behavior. Moreover, Christians are, by their own methods of exegesis, obligated to follow all the negative precepts in the Torah, not only the anti-social ones.

This latter response is juxtaposed to the idea of fulfillment of social acts because it expands that category fulfillment. Thus the flow of the first response is interrupted to make room for it. Editors of Jewish traditions have often done this and the Talmuds and midrashim have quite a few examples of these interrupted texts.

We have traced the rabbinic defense of Jewish hostility to Christianity, particularly Jewish Christianity, in the claims that Jewish Christians do not follow Jewish practices (*Avot deRabbi Natan* above), deny God the Creator and Lawgiver (*Tosefta Shevut* above), ignore their own teachings which would require full observance of many ritual laws they now ignore (*Pitron Torah* above). Our tracking of such traditions can help us decide how certain sayings, close to Christian formulations, entered elite rabbinic treatises of the Middle Ages. For centuries traditional scholars were divided concerning the origins of some traditions, concerning 2nd century Rabbis, that are known only from the 15th century and on. Some claim they originated in non-Jewish circles, while others maintain their Jewish authenticity. We will be able to trace how faulty transmission (either written or oral) resulted in the formation of midrashim that seem either to be copied from Christian sources, or to be the source of them but in all likelihood fit neither description.

The next tradition to consider comes from the *Homilies* of Shem Tov ibn Shem Tov who wrote in the 15th century:

'The sages said: What is the one commandment that all the commandments depend on?'

One of the sages says, "And you shall love your neighbor as yourself."

And another sage says, "Hear O Israel the Lord your God the Lord is one [and you shall love your God...]" (Deuteronomy 6:5).

And one of the sages says, "This is the book of the generations of Adam etc." (Genesis 5:1).

We will set aside the last sentence and account for it later. The rest of the midrash reminds us of what we cited earlier in *Pitron Torah*:

For [your] sages said: all of the commandments in the Torah are dependent on two verses; the first, "And you shall love the Lord your God;" and the second, "And you shall love your neighbor as yourself."

It is to be suspected that our current midrashist knew the *Pitron Torah* homily in a slightly abridged form.

The sages said: Upon which commandments are all the commandments in the Torah dependent? One, "And you shall love the Lord your God."

And the second, "And you shall love your neighbor as yourself."

A sleepy copyist might well have read this to mean (adding /said/):

The sages said: What commandments are all the commandments dependent on?

One /said/, "And you shall love the Lord your God." And the second /said/, "And you shall love your neighbor as yourself."

That is to say what in the original was meant to be *one* /commandment/ and then a *second* /commandment/ has now become *one* /sage/ speaking and then a *second* /sage/ speaking. The reason for this is quite simple. The scribe had in his mind the analogy of a very well known midrash in *Talmud Yerushalmi Nedarim* 9:4:

Rabbi Akiba says, "And you shall love your neighbor as yourself" is the great inclusive principle of the Torah.

Ben Azzai says, "This is the book of the generations of Adam etc." is a greater one.

Indeed he or another actually added Ben Azzai's opinion to the midrash and it easily came into the form we find cited by ibn Shem Tov:

The sages said: What is the one commandment that all the commandments depend on?

One of the sages says "And you shall love your neighbor as yourself."

And another sage says "Hear O Israel the Lord your God the Lord is one [and you shall love your God...]" (Deuteronomy 6:5)

And one of the Sages says, "This is the book of the generations of Adam etc. (Genesis 3:1).

Eventually, names became attached to the various positions. The tradition recorded in *Yerushalmi Nedarim* 9:4 appears in Genesis

Rabba (5:1) in a slightly different form which is adjusted to begin with the verse in Genesis: "This is the book of the generations of Adam etc." Ben Azzai says, "This is the great inclusive principle of the Torah."

We read in the (16th century) Introduction of Rabbi Ya'akov ibn Habib to his *Eyn Ya'akov* anthology of all the "midrashim and aggadot" in the Talmud:

Ben Zoma says, we have found a verse which is more inclusive and it is "Hear O Israel the Lord your God the Lord is one [and you shall the love your God]." (Deuteronomy 6:6)

Ben Nanas says, we have found a verse which is more inclusive and it is, "And you shall love your neighbor as yourself." (Leviticus 19:18)

Shimon ben Pazzi says we have found a verse which is more inclusive and it is "And the one lamb you shall offer in the morning [and the second lamb you shall offer in the late afternoon] (Exodus 29:39).¹⁰⁴

Rabbi Ploni got up on his feet and declared the Law is like ben Pazzi as it is written, "According to all that I show you about the structure of the tabernacle [and the structure of its all its vessels, so you shall do.]" (Exodus 25:9).

This is very strange for a number of reasons. First, how does the statement of Shimon ben Pazzi fit into a discussion of which duty is primary: that to God or that to the family of Adam (all mankind)? Furthermore, how does it happen that we have Rabbi Ploni declare a *halakha* or final ruling on this matter? The whole passage is very odd and its place in rabbinic literature has been the subject of some controversy. This putative midrash has been cited by many works including *Midrash Ptahh* (67), and commentaries to *Genesis Rabba* (to Genesis 5:1).¹⁰⁵ On the other hand, Rabbi Shmuel Jaffe Ashkenazi in his commentary to *Yerushalmi Nedorim* 9:4 denies it has a Jewish

¹⁰⁴ Compare Mark 12:33 (the dual commandments of love of neighbor and love of God are more desirable than Temple sacrifice) and *Avot deRabbi Natan A* ch 4 (deeds of mercy are more desirable than sacrifice, for both use the same proof text Hosea 6:6, "For mercy I desire and not sacrifice.") What follows in our passage seems to be a thrust to downplay these teachings and the Christian teaching of ultimate sacrifice.

¹⁰⁵ Rabbi Issachar Ber Lichtenstein says he found this midrash (apparently he had truncated it from that of Ibn Habib) and recorded it at the beginning of his *Ohel Yisrael* in the 19th century.

"This is the book of the generations of Adam etc." Ben Azzai says, "This is the great inclusive principle of the Torah." Ben Zoma says, we have found a verse which is more inclusive and it is "Hear O Israel the Lord your God the Lord is one [and you shall the love your God]." Ben Nanas says, we have found a verse which is more inclusive and it is "And you shall love your neighbor as yourself."

provenance. But in fact, while we can account for the first paragraph as an evolved form of midrash *Pitron Torah*,¹¹¹ we are at a loss to explain the origin of the "Rabbi Ploni paragraph." Rabbi Judah Lowe, known as "Maharal mi-Prague,"¹¹² discussed the "tradition" and did not sense it was in any way non-Rabbinic while ibn Habib, who saw the putative tradition quoted by some author he does not name, notes he found no trace of any such teaching in the whole of rabbinic literature.

The passage is thus more than strange, it is outright suspect. Nowhere do we find any traditions recited in the name of Rabbi Ploni. Indeed, the word "ploni" is sometimes used to hide the name of people we do not wish to mention because of their evil reputation or because we might embarrass them by saying their name. The term, when used to refer to someone specific, is never found as a name except in embarrassing situations.¹¹³ Similarly, the use of "got up on his feet and declared" is generally reserved for strong objection or strong confession and never to declare the winner of a debate. For this and other reasons, it does not seem this is an authentic midrash. The midrash appears to echo New Testament teachings but now in the names of ben Zoma, ben Nanas. Apparently Ben Pazzi introduces a whole new theme. It is possible that the midrash of ben Zoma and ben Nanas reflects an editorial attempt to fix names to the late midrash represented by *Pitron Torah* concerning what one sage said about love of God and what another sage said about love of neighbor. Perhaps this very *Ploni* passage was once part of a larger corpus dealing with Christian/Jewish debates although it is unclear if this passage would support the Christian side or the Jewish side.

If we wish to travel on such a path, there are several ways to approach the material. We might posit a lacuna in the text which supplied a Christian view such as the teachings found now in the Epistle to the Hebrews 10:11-13:

¹¹¹ If the teachings of ben Zoma and ben Nanas are authentic we could applaud the foresight of Flusser that such traditions were native within Jewish tradition prior to Jewish Christianity and the New Testament traditions. Nevertheless, these sayings are not found in any classical sources and their authenticity is suspect.

¹¹² See his *Netivot Olam* vol 2, note *shavat re'a* ch. 1.

¹¹³ See S. Lieberman, *Tosefta Kifshuta, Tzumot*, end of chapter 3 for a list of such citations.

And every Priest stands daily at his service offering repeatedly the same sacrifices, which can never take away sins. But when Christ had offered for all time a single sacrifice for sins...he had perfected for all time those who are sanctified.

Against this claim we now have the Jewish persistence that the original teaching of Scripture outweighs all other considerations:

"And ~~the~~ one lamb you shall offer in the morning [and ~~the~~ second lamb you shall offer in the late afternoon]" (Exodus 29:39).

Here we have a direct confrontation with the very essential teaching of Christianity. It can only come from the pen of someone who attached it to the debate of the Great Commandments of Christianity and who knew the Christian origins of the traditions concerning love of neighbor and love of God as being the two supreme commandments. It stands in direct confrontation with the Christian claims that the crucifixion of Christ has replaced the need for any further sacrificial ritual. Christ was the supreme Sacrifice according to Christian doctrine. Hence someone has added another anti-Christian polemic, in the name of ben Pazzi, that there can be no such teaching as an eternal sacrifice beyond what is offered in the Temple. Proof for this stance can be adduced. If Christians wish to say that Exodus 29:39 has been superseded proof can be brought to discount it:

"According to the pattern that I show you about the structure of the tabernacle [and the pattern of all its vessels, so you shall do." (Exodus 25:9).

In Exodus 25:40 it is specified that God showed Moses the manner of construction of the Sanctuary and its vessels while he was on Mount Sinai. The Babylonian Talmud *Tanha* 72a-b, in a later era used verses in the descriptions of the desert Sanctuary to claim that these items are still in existence and so is their atoning effect. Undoubtedly, the point here was to the same effect: to counter Christian claims that the destroyed Temple and its rituals were of no avail. The tradition cited here in our suspect midrash follows Philo's philosophical notion that Moses saw the eternal ideals on Mount Sinai represented in the ideal Temple he saw there. Thus, the ideal Temple is eternally existent. The debater intimates that sacrifices will be restored and Christians err to believe Christ is the final sacrifice of atonement.

Another approach is to see here a clever Christian forgery, embedded in a satiric literary debate, to discredit Jewish ethical teach-

ings and also to admit that without the Temple Jews have no means of atonement.

Shimon ben Pazzi says we have found a verse which is more inclusive and it is "And the one lamb you shall offer in the morning [and the second lamb you shall offer in the late afternoon] (Exodus 29:39).

Rabbi Ploni got up on his feet and declared the law is like ben Pazzi as it is written, "According to all that I show you about the structure of the tabernacle [and the structure in its all its vessels, so you shall do]." (Exodus 25:9).

According to Jewish Hellenistic teaching, the very words of much biblical teaching are really those of Moses rather than of God, who reinterpreted the divine messages given to him. Many Christians (but by no means all) expanded this to mean that only the Ten Commandments were given by God, the rest was given by angels. The Jewish teacher here goes along with this frame of thinking and points out that God himself gave the ritual commandments by showing Moses the Temple service and therefore it is more divine than the ethical teachings of love of neighbor, which to some Christian thinking, not being in the Ten Commandments, are not part of the divine commandments in the Old Testament. Hence, the Christian polemicist might claim, Judaism proclaims Temple practice superior to ethics. This text is forged then to show Christians that while Rabbis can indeed show the importance of ethics in their tradition, they place it on a lesser plane than Temple ritual. That is to say, it is possible a Christian forger of the Middle Ages added this section. Even so, it is difficult to account for the term "Ploni" here. Most likely, we will never discover who is meant by "Rabbi Ploni" or why the name is used here.¹¹⁴ To make sense of the whole I prefer the first approach. The original setting for this exchange might have been a debate in the early Middle Ages. The Jewish point of the debate was to say the sacrificial system is still viable for daily atonement because the ideal Temple is eternally in existence and so atonement is always available without any need for the atonement of the Crucifixion. This separate unit of debate may have been reworked in our medieval sources and tacked on to talmudic debates concerning the great commandments. After citing the love commandments based on a tradition that developed over the years out of the sources of *Pitron Torah* to show that the dual love commandments were cen-

¹¹⁴ Joseph Klauster (1964) 35-7 discusses a view that "ploni" sometimes refers to Jesus.

tral to Judaism, a Jewish debater dismissed the central tenet of Christianity and said this point was incontrovertible: One can accept the love commandments as essential to the divine commandments with Christians but we cannot accept that Jesus was the sacrifice for all time. The term "halakha" here might suggest that the law of eternity of Jewish temple sacrifices was already shown to Moses on Sinai. It is no different from most other uses of "halakhot Moshe mi-Sinai" — "traditions handed to Moses at Sinai."

In this way, the conglomeration of sayings, whatever their prior history, have now entered the tradition to proclaim the return of Temple and Sacrifice. Indeed, rabbinic texts themselves show two attitudes towards the superiority of Temple ritual as compared to showing neighborly love. In *Avot de Rabbi Natan* 4 ch. 4 the tanna, Rabbi Yochanan ben Zakkai, says that now that the Temple has been destroyed, atonement is effected through acts of loving kindness. In Babylonian Talmud *Haggiga* 27a the amora Rabbi Yochanan (living a century later than ben Zakkai), together with his colleague Rabbi Shimon ben Lakish, proclaimed that atonement is effected through table practices. It seems the divergent claims of the two Yochanans required attention. The master Talmud commentator of the 11th century, Rashi, interprets "table practices" as "hospitable behavior." This interpretation reconciles "table practices" and "kindness" as complementary ideas rather than a conflict of ritual versus ethics.

One final interpretation must be mentioned. It will not solve all the problems but it will solve many. *Seder Eliahu Rabba* 7:12 and *Leviticus Rabba* 2:11 say that whenever the daily sacrifices are offered in the Temple and people are mindful that they are "before God" (Leviticus 1:11) then God is mindful of Abraham's offering of Isaac whether the offerer be "Gentile or Jew, whether male or female, whether slave or handmaiden." I can see no Christian influence here except that Paul in Galatians 4:28 discusses who are Abraham's offspring and heir, in baptism all one, "neither Jew nor Greek, neither slave nor free, neither male nor female." For Paul, redemption is not through Temple sacrifice but now through Jesus' self-sacrifice. Perhaps the statement of ben Pazzi does reflect an ancient understanding of the *Seder Eliahu Rabba* midrash.

Shimon ben Pazzi says: we have found a verse which is more inclusive and it is "And the one lamb you shall offer in the morning [and the second lamb you shall offer in the late afternoon] (Exodus 29:39)

It bespeaks the equality of all "before God" when the offering is given. The midrash of *Seder Eliahu*, which preserves much tannaitic material, shows the lamb offerings in the Temple were equally effective for all levels of society. However, I have no idea then how to explain the words of Rabbi Ploni who says the law is like ben Pazzi alone. Perhaps they are a spurious addition to an ancient midrash although I cannot fathom why these words would be added. Nevertheless, this understanding of ben Pazzi's words justifies how that pericope could be part of a discussion concerning which verse in the bible has the most universal application. And perhaps then also the words of ben Zoma and ben Nanas, love of God; love of neighbor are likewise original.

In sum, it is impossible to state anything definite about what ibn Habib records in his Introduction to *Eyn Yaakov*, save that parts of it are not likely to have been genuine debates of *Tannaim* in the 2nd century C.E.. It remains a curious puzzlement.

The Jewish/Christian debates were not minor occurrences, even in early times. Jews were worried about sectarian issues affecting normative belief and, it appears, adjusted their liturgical practices concerning the public recitation of the Decalogue in the Temple and the synagogues in order not to fuel Christian claims about the primacy of the Ten Commandments.¹¹⁵ They omitted reciting the Ten Commandments as part of the service for fear that the sectarian claim that these commandments, and no others, were, of divine origin. Many Christians claimed the others commandments, as we have pointed out, had been given by angels. The authors of Hebrews stated this as a given fact.

Our review of Jewish materials relating to early Jewish-Christian polemics and apologetics on the specific topic of "love" has allowed us to investigate the complex issues of the force of commandments in debates between Jews and Christians in the early rabbinic periods. The matter has been investigated by intellectual historians, philosophers, and church historians. My contribution here is to illustrate that embedded in our legacy of rabbinic materials, ancient and medieval, lie the remnants of a vigorous concern of the threats posed by church leaders who in various periods tried to utilize native Jewish traditions to undermine the thrust of rabbinic Judaism. There arose many threats from other Jewish opponents to the Rab-

¹¹⁵ See Babylonian Talmud *Berakhot* 12a.

bis, and of these too we have precious little information preserved of the actual confrontations in the classic texts of the Middle Ages and the Modern Era. To appreciate the nature of these confrontations is to see the mechanics of spiritual self-preservation and religious affirmation in the arena of textual acrobatics. The historian of religions who endeavors to illuminate such understanding must rely on studies in exegesis to succeed. Our present work is indispensable for their researches and continues to develop with their historical studies.



PART III

ENCOUNTERS BETWEEN RABBINIC AND CHRISTIAN TEXTS

We cannot leave the arena that has been portrayed here in which Jews debated with Christians without my dealing with some questions about methods. My methods are based on the educated conviction, as I will soon demonstrate, that a knowledge of the New Testament's teachings, whether in conflict scenes or not, can help us clarify and appreciate statements in rabbinic scholarship. This latter literature can also help us identify the original sense of Gospel lessons. We need therefore to establish the value of a rabbinic education for the New Testament scholar and the need for students of rabbinic literature to engage New Testament studies. To some extent both these literatures inform us about Jewish views of topics over a certain time period.

The New Testament witnesses a given moment in the unfolding of Jewish traditions that only later find their full expression in written, rabbinic documents. That is to say, the New Testament is a valuable storehouse of material relating to Jewish traditions around the time of the destruction of the Temple in 70 C.E. In return, rabbinic literature when used cautiously provides the context and details of matters casually referred to in the New Testament and sheds light on the sense of these passages. In this final section of the book, more an afterword than a contribution to the discussion of debates, I offer a rationale, an explanation, to justify the methods pursued throughout my book.

It will do us well now to reflect upon the issues that ensue when noting that rabbinic literature and New Testament writings periodically share motifs.¹ Sometimes these themes express joint antagonisms while at other times they show mutual affinities. In both these

¹ The term "Gospel (or rabbinic) parallel" has been so overworked by some and criticized by others that it is no longer a very useful term. Rather, references to "certain themes," "similar rhetoric," "structures and forms," can help in illustrate some genetic relationships between bodies of literature and so clarify the meaning of an ambiguous text.

cases, the two distinct bodies of literature often illuminate each other.² Indeed just knowing an earlier variant of a rabbinic tradition is enough to shed light on the history of the tradition but often we find that we can supply missing details in one literature from its account in the other. After the fashion of the Rabbis we might call such interactions "passages which come to educate but in the process also become educated."³ I offer here examples, as paradigms suggesting a generalization, of such mutual illumination. In our first case I investigate the meaning of the exegesis used by the Gospels to portray Jesus' polemic against the act of divorce. How do we know divorce is discouraged according to God's command in the Hebrew Bible? Here I try to trace the steps in the reported exegetical rhetoric of Jesus by recourse to a passage in rabbinic literature, which passage also becomes elucidated by the New Testament section at hand. In the second instance I investigate the meaning of the well known mustard-seed parable in the Gospels, the interpretation of which, has up to now stayed in the shadows. In the third example I locate the context of some rabbinic discussions which become clarified in the light of Maccabees but more so in view of the epistles of James and Paul while these sources also gain from the insights of ancient and medieval Jewish exegetes. While such studies may strike certain readers as practical and proper, a scholarly bias persists against seriously engaging such comparative work.

Joseph A. Fitzmayer (1980, 5:21; 1995, 295-96) and others⁴ state that Mishnah, Talmuds, Tosefta; in sum, the works of the Rabbis, should *not* be used to provide "parallels" for Gospel narratives. The reason for this, they say, is that Gospel narratives date to the 1st century while the earliest rabbinic records date to the 3rd century, if not later. Even if a motif in the Gospels can be explained by a note in the records of the Rabbis, we have to reject making connections between the two until we can verify the substance of the rabbinic note existed in the same time frame and geographic location as the Gospel writer. Hence, the problem of Jesus' commitment to the legal framework of Judaism would be diminished if one places the Gospel accounts outside of the rabbinic or pharisaic legal rubric.

Their cautionary approach warns that one should not draw a line

² Vermes (1983: 88) is aware that the concept of mutual illumination requires demonstration and queries: "Who will take up the challenge?"

³ See for example Babylonian Talmud *Babylonian* 23b.

⁴ See for example Burkitt (1927: 392-7).

from some conjectured ancient tradition, say pre-first century, to the Gospel and then another line from the ancient tradition to rabbinic literature. That is to say, we should not posit a common source to both. Fitzmyer and his school are dogmatic positivists who reject considering that the Rabbis of the Talmud 'may' preserve very ancient traditions in their records. Their position rests on the simple reason that we should not pretend to know things for which we have no firm evidence. However, the oral nature of rabbinic literature suggests that the rabbinic documents preserve only the name of a teacher who was known to have said something but nowhere insists that he was necessarily the first one to have said that something. Hence we know more than we might first imagine. We must consider that when we have actual evidence of that something having been said earlier, *e.g.* in the New Testament, this proves that the matter was known at an earlier period than its record in rabbinic literature. That is a very elementary and self evident observation. Traditions based on the narrative portions of the Bible found in the works of Josephus and Philo are also found, in slightly altered forms, in the rabbinic corpus committed to writing centuries after these works.¹

There are many other curious connections between the legal rhetoric of the Rabbis and much earlier writers.² It is reasonable to assume some ancient oral ancestral saying existed which spawned these now-written traditions in common although their separate authors, oral and written, were widely distanced geographically and chronologically. We cannot presume there was any direct copying where diverse cultural channels and clear linguistic boundaries arose at some time to create separate, distinct communities. It is likely the common aspects between the literary heritage of such groups began at a time before these groups went their separate ways. With a minimum of educated speculation we can gain a maximum of insight. That seems like a worthwhile intellectual investment.

Where a shared matrix of transmission does exist for shared traditions we can note the affinities between textual traditions and cautiously use the one to supplement the other. The case of the problematic saying provides a sound opportunity to speculate on the relationships between Gospel records and rabbinic sayings in this regard. We know that Rabbis sometimes inherited oral traditions but

¹ See *Bereshit Rabbah* (ed. Theodor-Albeck) vol. 3: 84-88 for listings.

² See the Appendix A attached to the end of this paper for a striking instance.

were unaware of their context and meaning. We find a report that Rabbi Dimi traveled from Palestine to Babylonia. There he recited a lesson, judging from its wording, quite likely a *baraita*, he had memorized.⁷ He told the Babylonian Jews he had no idea to what the tradition referred. The Babylonian Talmud then discusses attempts to reconstruct the meaning of the passage. It is obvious in this case that Rabbi Dimi was not the author of the statement but that he was merely reporting what he had learned. The talmudic editors do not think it unusual that he did not understand the tradition he recited. Reconstructing the substance of elusive ancient pronouncements is a large part of the study of rabbinic literature and proffered solutions are rarely considered definitive but rather practical. Talmudic materials are often revisited by scholars who consider alternative solutions to the many textual problems but no one would change a single law based on their speculations. Indeed, it is precisely because rabbinic literature does preserve some ancient materials that it reworks into its new discussions that one might search for evidence of that ancient law and lore in Christian writings to advance better understandings of Jewish sources behind Talmud and its cognate literatures.⁸

Case 1: The Question of Divorce

Let us look at one cryptic extract in rabbinic literature and seek some solution to it by utilizing sources in the New Testament. We find in Babylonian talmudic passages (*Ketubot* 6a, *Berakhot* 61a, *Eruvin* 18a) a vague teaching concerning God's creation of humankind: "At the beginning God created [them male and female] with the intention they be" two but in the end he (Adam) was only created to be ONE."

⁷ See Babylonian Talmud *Moed Katan* 3b. A talmudic *baraita* is a statement which was certified by third century authorities as an authentic tradition.

⁸ See Vetus 1983: 77-88 for his refutation of Fitzmyer's position.

"The words "with the intention they be" likely should be bracketed since they seem to be influenced by another text, *Genesis Rabbah* 12:15: "At the beginning God created it [the world] with the intention it be by the power of justice..." No other text having the form "At the beginning...but at the end..." utilizes the phrase "with the intention." Here the Rabbis intend us to understand that we speak of real existences and not only intended ones. Indeed there are some 50 usages of "at the beginning" in rabbinic literature and only the above two speak of intentionality. It seems more likely that only the one mentioning "the power of justice" had this phrase as this is the only one wherein God, having planned the matter one way,

The major evidence for this lesson, whatever it may mean, derives from a tradition recited variously as that of Rabbi Abahu or Rabbi Yehuda who lived centuries after the New Testament authors. The talmudic homily wants to reconcile verses in which it seems on the one hand that God created *two* humans both male and female together and on the other hand it seems he created just *one* human. The resolution: "At the beginning God created them with the intention they be two, but in the end only *one* was created."

The preservation of this lesson is rather poor and the cited biblical verses vary according to which source is consulted. Undoubtedly there was an original teaching which was popularly transmitted until the precise references were in doubt. The point was to isolate verses and parts of verses that apparently contradict each other. Genesis 1:27 and Genesis 5:2-3 and Genesis 9:6 are all candidates respectively. "So God created man in his own image, in the image of God He created *him*, male and female he created them." "When God created man, he made him in the likeness of God; male and female he created *them*." "For God made *man* in his own image." While the Talmuds are not certain what verses prompted the original question, they agree on the answer: "At the beginning God created *them* with the intention they be two but in the end only *one* was created." The later Rabbis speculated what this tradition meant, "how were there *two* which became *one*?" No talmudic tractate provides a simple, satisfactory explanation of this homily.

The later Rabbis, who considered the passage, used it to show dual creations of mankind. They posited there was one creation of a joint species—male and female, followed by another creation of separate identities—male or female.¹⁰ So the commentators, quite correctly, understand the later Rabbis to uphold the idea that Adam was originally androgynous.¹¹ When interpreted this way, the original passage is now forced to say: "two" means "joint"; "one" means "separated". But the fact is that the early Rabbi knew very well how to say "at first Adam was one but then became two, male and fe-

never created at all what he had planned. In the case of his creating males and females this is obviously not the case; there was such a creation. The phrase about intention, which serves no useful purpose in the marriage homily, may have likely fallen into the talmudic passage at an early date simply by analogy of the opening words of both homilies. "At the beginning God created..."

¹⁰ So Etz Yosef commentary in *Eyn Ya'ase* to Babylonian Talmud *Bekhorot* 61a.

¹¹ See D. H. Aaron, 1995: 1-62. Aaron provides a well researched study of the midrashic tradition of the androgynous Adam derived from Genesis 5:2.

male." Yet, he reported the exact opposite: "first two and then one." I suggest we recognize that the wording of the antecedent of this enigmatic passage can be recovered from the Gospels, albeit with some minor uncertainties.

In Matthew 19:3-9 and Mark 10:2-12, Jesus claims that God abhors divorce but Moses was forced to make a concession and permit it because of human shortcomings. How do we know God abhors divorce? Jesus tells us "From the beginning (Mark adds "of creation") God made them male and female." "For this reason shall a man leave his father and mother and cleave to his wife and they shall be one flesh" (*Genesis 2:24*). And now Jesus concludes, "So they are no longer two but one." "What God has joined together let not man put asunder."¹²

The pieces of this passage are somewhat obscure and require explanation. The components of the passage suggest Jesus is building on an intricate interpretation of Scripture. When Jesus says "God made them male and female" he appears to refer to some verse like *Genesis 1:27*, or *Genesis 5:2* which tells us that God created two sexes. Jesus next cites a verse stipulating a coming together of male and female and he concludes the two sexes are to become ONE, inseparably one.¹³ "So they are no longer two but ONE." He dwells on the point that God ordained that a man shall be joined to, or cleave to, his wife and draws the lesson that no human should annul this sacred, divine decree.

Since all Jesus wanted to say in the first place was that God decreed marriage why does he dwell on the whole story of God creating people male and female? He might have just cited the verse that God ordained a man to be joined to his wife. If we look closely at the New Testament passages we will see that there is a definite homily built on the biblical story about the two sexes: namely, that two have become one. We posit such a homily existed prior to Jesus' citation of it which is but an oblique reference to what was well known to his pharisaic interlocutors. The latter offer no objection to the discourse that people were two at first, then one. Jesus, having introduced the "cleaving" verse in the homily, then utilizes the very same verse to complete his own argument. "God has ordained marriage—no one can dissolve it." That is to say—he ends his ex-

¹² See Nollan (1995) 19-35 and L. M. Zeitlin (1988) 80-94.

¹³ Cf Finkel (1964) 172 who also notes an explicit reference to *Genesis 1:27* in the Matthew passage.

egenesis with an encouraging flourish asking his audience to fulfill the divine will by resisting the compromise of divorce. No teacher in extant rabbinic sources ever used this particular rhetorical feature to forbid divorce, although some rabbis, like Jesus, did forbid divorce where there was no infidelity.¹⁴ It is not the message that concerns us here but the medium.¹⁵ If there was such a homily, founded on biblical verses, why did those rabbis who faulted the institution of casual divorce not avail themselves of the striking interpretation as Jesus, or his reporter, had done?

The form of the Gospel homily suggests we have before us an allusion to a popular, fuller teaching. Jesus, we argue, is merely alluding to a well known sermon and then drawing his own lesson to serve his purpose that no one may dissolve a marriage. The language of the well known homily itself must have contained the phrase attested in every version of the Gospels "from the beginning". This phrase has little meaning unless we understand by it "from the beginning he made them two then, finally, ONE!" The better usage would be "at the beginning." Matthew will use this very phrase "from the beginning" to argue that "from the beginning it was not so." That is, from the beginning divorce was not God's plan. This hardly makes sense since "from the beginning" suggests "ongoing without change," something Matthew wants to deny; he wants to suggest change but for the worse. The sense of "from the beginning" then has to be equivalent to the rabbinic "at the beginning" i.e. it was earlier ordained one way but now things have changed.¹⁶ Matthew himself gives the phrase this meaning.¹⁷

Both Jesus and the Rabbis offer an interpretation to an older puzzle. Jesus uses his biblical lesson of "first two then ONE" to preach against divorce. The Talmud uses it to explain two separate nuptial blessings which repeat: "The creator of man." Why two separate blessings? There were two steps in the creation of people. The Talmud suggests the two steps might be: a) two, when males and females were created on two sides of one human being; b) ONE, when they were separated from each other into individuals. According to the Gospels: a) TWO, the creation of two separate beings; b) ONE, the creation of marriage which put them together as one flesh. The truth of the matter is that there seems to have existed an ancient midrash.

¹⁴ See Mishnah *Gittin* 9:7.

¹⁵ See Harvey (1994) 55-65.

¹⁶ See Collins (1992).

more ancient than that in the New Testament, which was bothered by the dual creation expressions in Genesis, even in the very same verse, suggesting simultaneous creation of the sexes and in the same breath creation of man alone. The homily's resolution (of why dual expressions were used) was cryptic—God at first made them two, then, finally. He made them one.

What was the actual meaning of the ancient midrash? We do not know. It is a fact the Gospels interpret the context of the lesson in light of biblical passages describing the consequence of Eve's creation from Adam's body (Adam seeking to join to "the flesh of his flesh and the bone of his bone") and it is a fact the later Rabbis interpret the midrash, however awkwardly, in terms of the separation of Eve from Adam. It is likely therefore that the original midrash had something to do with the story of the creation of Eve from Adam, but beyond this we cannot know for certain. The solution of Jesus nicely portrays the idea that two are made into one. The solution of the Rabbis nicely deals with the words of dual creations "He created." The Gospels omit any mention of God creating something to be one but explain they are no longer two but one. It is not God who makes them one—but the man who cleaves to his wife. The issue is fudged over as if it were God who joined them together. As for the rabbinic interpretation, it is not clear how the male and female become one. The given interpretation, viz. an androgynous being which was divided into two genders, is forced. Perhaps it is not meant to be more than a straw retort. In balance, the Gospel form is likely the more original form and justifies, with elegant simplicity, the conflicting scriptural claims of woman as created with man on the one hand and man created alone on the other. The use of the midrash in anti-divorce polemic is purely the invention of the Gospels. The use of the midrash by the rabbis, remains puzzling, but serves to justify the apparent redundancy of two separate wedding blessings. Both blessings speak of God as "the maker of man" in a two-step process of creation and so it could be argued there is no needless repetition.

It would appear that the Gospels interpreted an original tradition or knew of an interpretation dealing with the conflict in verses in Genesis (man created first in one place, male and female created together in another) by adding a third verse to the mix. "For this reason shall a man leave his father and mother and cleave to his wife and they shall be one flesh" (Genesis 2:24).⁷ This then is an early

example of the hermeneutic rule of "Where two verses contradict each other a third will come to reconcile the matter."¹⁷ "Male and female he created them" versus "He created him" reconciled by "He shall cleave to his wife and be one flesh." And hence follows the conclusion: "So they are no longer two but one." Having given us his developed sermon with the traditional ending common to both the rabbis and the Gospels, Jesus re-presents the midrash with its interpretation to make his final point: What God has joined together, let not man put asunder! Divorce is but a concession of Moses to the hardness of the heart. This device of saying Moses did things that were not precisely God's ideal is a familiar theme in Hellenistic Jewish literature including Josephus.¹⁸ That is the Christian use of the antique midrash. The Rabbis cite the same midrash to very different ends in their discussion of nuptial blessings.

Both codifications, Jewish and Christian, can use the original material to their own purposes. Like Judaism and Christianity themselves, these codes developed out of a common, earlier religious matrix where eventually each one went its own, separate direction. There are some hints as to ancient Jewish traditions in Christian codes before Christianity developed its own disposition towards Jewish teachings. While the above case shows how Jewish teachings might be reworked for effect in the Gospels, the following case shows how the Gospel materials were subject to an internal censorship in order to promote a spiritualization of the coming reign of God.

Case 2: The Mustard Seed Parable

The "mustard seed parable" has been subject to a variety of interpretations.¹⁹ In common with all the interpretations is some analogy concerning the large growth from a tiny mustard seed. Mustard seeds produce plants of some three meters and occasionally have been known to be even larger and therefore give us a striking analogy. J. D. Crossan (1991) 276, believing Jesus was a first rate satirist in the

¹⁷ See *Mekhilta Rabbi Ishmael* end of *Jethro*, and *Sifre Bamidbar*, end of *Vayeshev*.

¹⁸ Note how Josephus *Antiquities* (ed. Whiston 3.5.5) claims only the Decalogue is in divine language, the rest of the Pentateuch is the phrasing of Moses. Cf. *Antiquities* (ed. Whiston) 1.1.2.

¹⁹ For comprehensive bibliographies see McArthur (1971: 19ff in.1); Cottler 1992, 48 (n. 1); and Heil 1992, 271 (n. 2).

modern mode gives us a revolutionary and intriguing explanation. Let us begin by noting the various forms of this parable.²⁰

Luke 13:18-19

"What is the Kingdom of Heaven like? And to what shall I compare it? It is like a grain of mustard seed which a man took and sowed in his garden; and it grew and became a tree and the birds of the air made nests in its branches."²¹

Matthew 13:31-32

"The Kingdom of Heaven is like a grain of mustard seed which a man took and sowed in his field; it is the smallest of all seeds, but when it has grown it is the greatest of shrubs and becomes a tree, so that the birds of the air come and make nests in its branches."²²

Mark 4:30-32

"With what can we compare the Kingdom of God, or what parable shall we use for it? It is like a grain of mustard seed which when sown upon the ground is the smallest of all the seeds on earth; yet when it grows up and becomes the greatest of all shrubs, and puts forth large branches, so that the birds of the air can make nests in its shade."²³

Thomas 20

"It is like a mustard seed. It is the smallest of all seeds; But when it falls on tilled soil, it produces a great plant all shrubs, and becomes a shelter for birds of the sky."

Let us compare the structures of these sources.²⁴ Luke tells a coherent

²⁰ See Laufer (1980) for a conjectured reconstruction of the original parable.

²¹ We have here this parable followed by another one concerning abundance of leavened flour.

²² Here we have four Kingdom parables, the mustard seed one again followed by the leaven one.

²³ In Mark the mustard seed parable follows another seed parable and the leaven parable is absent.

²⁴ Cotter (1992) gives us a synoptic layout of the passage. She concludes that the parable means to tell us that once the Christian message is introduced it will continue to grow into a large Kingdom. Heil (1992) says that the word sown by Jesus eventually will grow into a great multitude of followers this growth anticipates the universal dimensions of the all embracing Kingdom of God.

ent story in his parable: A man planted a grain of mustard seed and it became a large tree where birds nested. Matthew tells a garbled story: once a man planted a grain of mustard seed. End of story. Then we are given scientific facts—you know mustard seeds are very tiny but they produce trees large enough for birds to nest in. What seems to be a unique happening in Luke is noted to be run-of-the-mill in Matthew, all mustard trees are very large and birds nest in them. Now Mark only gives us the scientific facts and does not tell us a story that a man planted a mustard seed.¹⁵ It seems Matthew has appended a tradition like the first sentence of Luke to a tradition which is similar to the one used by Mark. Thomas also gives us just the scientific fact of large growth and omits any story feature of a man planting. Yet Thomas adds the idea of tilled soil and concentrates on the sheltering aspects of the tree in opposition to all three synoptics which refer to birds of the air coming and making nests in its branches. It would seem therefore that Thomas introduces some emphasis here and there to provide a focus for interpreting the parable and is secondary to Mark. We find two variant traditions here. One which tells a story in the past tense that signals a unique happening about a one time event when a mustard seed grew into a full tree and one which posits this is a common occurrence. Matthew's reading seems to be a conflation of two other readings resulting in a confusing array of past and present tenses.

Crossan considers Luke's form of the parable to be the principal form although it is the least attested. I concur. In Jewish literature of the period we do not hear of mustard trees in the Galilee but of stalks. The growth posited here is unusual and the "scientific" observations in the other Gospels are likely secondary explanations of an original version like that of Luke. It may well be that Matthew originally had the full Lucan version with the appendix of a Markan version. We will not worry about the non-Lucan version now because that became the favored form and is open to interpretation along the lines of other parables: the seeds of Kingdom are very tiny but will eventually shelter all. In some form or other most interpretations see a spiritual message here. But Crossan flatly states that the only reason for Jesus to begin a parable with "a seed" and end it with what he calls "the great apocalyptic tree" would be to

¹⁵ Cf Friedrichsen (1993) 427-450.

lampoon the whole apocalyptic tradition. He mentions that both he and Brandon Scott agree the saying burlesques the expectation of the "apocalyptic tree" since the mustard seed is unwanted in the first place, takes over on its own, and attracts birds where they are not desired. His negative valence of mustard plants forms the main exhibit for his interpretation.

This interpretation is highly dubious. First, it must be protested that nowhere in Jewish literature can one find any loathing for mustard plants. Sweetened mustard is mentioned often as a spice (eg. Tosefta *Shabbat* 14:14) and as a medication (eg. Babylonian Talmud *Berakhot* 40a) in rabbinic literature. Second, what "apocalyptic tree" could Crossan have in mind? He directs us to some passages that he takes to refer to such a tree. Daniel 4:12 and its parallel 4:20 discuss the meaning of a dream. The magnitude of the tree is shown by the idea that it protected creatures on earth and those in the sky. The tree was so large that foxes had protected homes and the birds had nests. The image is that of the great and mighty monarch. It is not a real tree but a dream tree, a way of picturing the power of the king to provide security. This is neither parable nor allegory but dream metaphor. Likewise, the image of the majestic cedar in Ezekiel 31:6 has no apocalyptic referent but only describes Assyrian pride. Similarly, the cedar tree in Ezekiel 17:23 is used as an image of the future pride of Israel. The point of mentioning beasts and birds in these descriptions is nothing more than a common image to refer to the tree's height and usefulness as a protective image.²⁶ It is not necessary here to read mythology into the description nor is there any need to see references to Apocalyptic at all. It is not unlikely that the image in Daniel which symbolizes security and largesse is also common to the mustard seed parable where it also symbolizes security and largesse. However, we do not find any such trees mentioned in Apocalyptic passages dealing with the *Eschaton*.

What we do find in Jewish works commenting on the *Eschaton*, the End of Days, is none other than the mustard tree; not as a dream or metaphor for pride but as the expected reality of Nature in the Future. If there is any truth to the claim of the existence of an "Eschatological tree" it is a mustard tree to begin with. Having said

²⁶ Heil (1992) discusses the image through a comparison with Septuagint Ezekiel and also Daniel to highlight the protective aspects.

this, I note there is a reading of the mustard parable that offers an alternative to the common interpretation. This alternative explanation has a number of advantages in that it corresponds with passages in rabbinic literature, in the Jesus-testimony of early Christians, and in the Apocalypses. By removing the mustard parable from the list of its neighboring parables I can suggest a suitable explanation which is independent of the genre of coded parable.

Sifre Deuteronomy (1939), *piska'ot* 316-317, claims the abundance of the Eschatological Age is prefigured in contemporary experiences. These rabbinic models inform us of the most likely meaning of the parable of the mustard seeds. And it may well be that the mustard seed parable enlightens us at the same time concerning the intent behind the rabbinic passages which do not mustard mention seeds at all. The idea that the tiniest of seeds can produce occasional stunning growths may be latent and part of the unspoken baggage of the rabbinic stories. Where *Sifre Deuteronomy* 316-17 tells us there will be abundance "in the Future Age," it seems to mirror the Gospels' mustard seed parable of "the Kingdom." *Sifre Deuteronomy* 316-17 relates that grains and grapes will produce large quantities of edible food:

- A: In the Eschatological Age every grain of wheat will be like two kidneys of a big ox, weighing four Sephorian liters.
- B: And if this surprises you then consider the case of the turnip heads, for it once happened that one weighed thirty Sephorian liters. And it happened that a fox made a nest in the head of a turnip. It once happened there was a mustard stock with three twigs and one of them fell off and they covered a whole potter's hot with it. They struck it and they found in it nine kabim of mustard (var: Yerushalmi Peah 7, three kabim).
- C: Rabbi Simeon bar Halafta reported: A cabbage stalk was in the middle of my house and I could go up and down on it like a ladder....
- C: You will not be wearied by treading or harvesting the grape but you will bring it in a wagon and stand it in a corner and it will constantly renew the supply that you may drink from it as from a jug.

A/C forms a single unit, introduced in A by "In the Eschatological Age," and its theme is found in the *Second Apocalypse of Baruch*, 29:5-8 (post 70 CE) but may well be prior to it. B interrupts this unit. Such interruptions are not uncommon in the Talmuds and Midrashim of

the Rabbis, and tend to signify what we might call "notes." They are rarely scribal interpolations. B shows us an unaffected expectation of prosperity since such abundance is even evident, although rare, in the present era. The examples of B are ~~not~~ of wheat or wine but ~~of~~ cabbages and turnips and mustards. Babylonian Talmud *Ketubot* 11b has variants ~~of~~ these themes.

Now it so happens that we have some very plausible evidence that Jesus, far from lampooning the idea of future abundance, preached it. The evidence presents the reverse order of the *Sifre* midrash. The Church Fathers cite Papias who quoted John of Asia Minor in the name of Jesus:

C1: The days will come in which vines shall spring up and each grape when pressed shall yield five and twenty measures of wine.

A1: Likewise also a grain of wheat shall cause to spring up...ten pounds of fine, pure flour. And so it shall be with the rest of the fruits and seeds and every herb after its kind. And all animals which shall use those foods....²¹

Nevertheless, since the teaching of physical bounty in the Kingdom reported by Papias flies in the face of the post-Jesus spiritualization of God's Dominion, we might well accept this declaration was suppressed from the Gospels by those who preserved Christian tradition. However, what escaped suppression (and likely did so because of its ambiguity) was preserved in the Gospels, namely I suggest, the mustard seed parable.

This mustard passage is hardly a parable as we know it but rather is a parabolic use of example, a footnote to the greater vision of abundance.²² It is like unit B in the *Sifre* passage above and conceivably was taught together with the traditions reported by Papias. Indeed, the original teaching might not have been a conventional parable although it was placed by redactors within a series of coded parables. It would qualify as a parable only because it represents one

²¹ J. Klausner (1964) 401 who cites the passage at length, accepts the likelihood that Jesus taught about physical abundance in a future world. Yet Klausner, inexplicably, gives the mustard seed parable the traditional explanation as we document at the end of this study.

²² Couer (1992) stresses the message of growth in these parables. The rabbinic examples ~~of~~ mustard are predicated on the idea that normally mustard plants do not grow very tall at all or produce an abundance of mustard.

specific aspect of the *Eschaton* which stands for many other similar facets. We note that *Seder Eliahu Rabba* ch. 18 (ed. Meir Ish Shalom, 1902: 97) also presents similar teachings about good fortune in the *Eschaton* in parable form.²⁹

'They gave a parable, so what can the thing be compared... This is how it will be in The End in the Future World while a part of it is reality today.'³⁰

The examples of physical abundance in the Messianic era were commonplace in rabbinic culture and were quite divorced from any ideas of extreme apocalyptic.³¹ For instance Babylonian Talmud *Shabbat* 30b tells us that Rabbi Gamaliel explained biblical verses to show that in the Future Era women would give birth to large numbers of children and nature in general would produce food abundantly in the World to Come. When a student balked he showed him examples that were available now. Chickens lay eggs daily and there are trees which can produce more than one type of fruit. His samples were a parable for the Future Age.

Let me sum up. What I am claiming here is that the mustard parable in the Gospels is not really a substitution-coded parable at all but an example, a sample, of what is now possible that reflects the World to Come. The evidence from Papias, the midrash and Baruch converge to substantiate the argument. The point of the mustard seed teaching is to show that plants have been known to grow, although rarely, to very large sizes. The Future is a present possibility, not an eruption and miraculous change of the present world order. The present has partial characteristics of the future. Those attributes appear to be the point of the parable. Jesus' mus-

²⁹ Errors have been made regarding the dating of this work. It may well be taanitai in its basic core with amorai additions. It is certainly pre-gonic. See S. M. Mirsky (5725), 217-22. It is worthwhile noting that the statement in the anthology of *Leviticus Rabba* 2:13 saying that whenever the daily sacrifices are offered in the Temple and people are mindful that they are before God (Leviticus 1:11) then God is mindful of the offering of Isaac whether the offerer be Gentile or Jew, whether male or female, whether slave or handmaiden. This statement was copied from *Seder Eliahu Rabba* 7:12. Cf Galatians 4:28 discussion that in baptism Abraham's offspring and heir are all one: neither Jew nor Greek, neither slave nor free, neither male nor female. Are these rabbinic/Pauline mirror images dealing with Abraham's faith co-incidences or are they in dialogue with each other?

³⁰ Cf. *Seder Eliahu Rabba* ch. 3 (ed. M. Ish Shalom, 1902: 14).

³¹ The message of the parable is based on the knowledge that mustard plants at times reach enormous growth. See Vincent 1983, Vol 1 (Mark): 184.

tard trees most likely are not mythical trees at all, but meant to be real trees. Otherwise the poignancy of the passage would be lost.

Klausner (1964, 66) rightly protested:

This Papias tradition in the name of John the Elder is very important, but that the modernizers of Jesus [intend as they are to transform an eastern Jew of nineteen hundred years ago into a European possessed of the same exalted beliefs as the best of Christian theologians, beliefs compounded of the teachings of the ancient eastern Prophets and Greek and modern philosophy] have neither recognized nor wished to recognize this importance.

And then he too missed considering the important point of eschatological abundance as the point of the mustard parable. He tells us (Klausner 1964, 404) that according to Mark 4 Jesus meant to say the Kingdom was gradually growing like a mighty oak from a small acorn and was every day coming to greater fruition. In the end, Klausner, like most others, leaves us with a metaphor in place of a concrete example of largesse and profusion. If we consider the Gospel context of the parable form to be the prime hermeneutical tool, Klausner and the vast majority of commentators will be correct. The parable would then reflect the very nature of the Kingdom's unfolding rather than its predominant characteristic. That is, the coming of the Kingdom can be thought of progress by analogy to the way a small seed produces a large plant. If we consider the parable lists in Matthew (two besides the mustard and leaven parables) and Mark (the leaven parable is absent and here we have another seed parable and the mustard parable) to be secondary redactional devices, then my interpretation will stand. The parable of the leaven fits my model also; we see in the present world how food increases naturally. Luke 13:18-20 seems a more original grouping than do the lists in Matthew 13 and Mark 4 in that Luke presents the mustard and leaven parables as a closed unit by themselves.¹² We have already noted that it is likely that Luke preserves the most original form of the mustard seed parable and its link with the leaven parable alone also looks original. On the other hand, Thomas 20 gives us the mustard parable while unit 96 has the leaven parable. They are 76 units distant from each other. This need not mean that the two were not strung together as a unit originally but only that the leaven parable has been moved to a unit describing parables about the Kingdom while the

¹² Fledderman (1989) dismisses the idea that the two parables have the same message but Jeremias (1972, 146-53), following Bultmann, insists they do.

mustard seed parable has not been placed there. Originally, both parables would then reflect the increased productivity, visible in microcosm now, which will afford greater ease for all living beings in the Kingdom. That is, in the Kingdom all small seeds will yield extraordinarily abundant crops and in turn everything else will be on super productive scales. I do not know if the rabbinic mustard stories are exact complements to the Gospel stories because I am not certain that in the rabbinic materials the point is to be understood that mustard seeds are tiny. The extant form of the rabbinic story is that one twig of the mustard plant once produced an enormous amount of mustard and was colossal in size. This matches the idea that small grapes in the Future World will produce large quantities of wine. Nevertheless, without any mockery of expectation, the speaker in the Gospels, like the narrator of the rabbinic stories, shows how the Future Kingdom is contiguous with the dynamics of this world. Physical blessing, from tiny kernels, will be ubiquitous in the Future. The Gospel parable shows us the antiquity of the *Sifre* account even if they vary in detail. We must certainly posit some common ancestral idea lies behind both adaptations.

Case 3: Faith Versus Law

Isaiah 42:21 reads "The Lord is pleased for the sake of his righteousness (*tzidko*). He will magnify the law and make it powerful." This verse is rendered in Mishnah *Makkot* 3:16.:

"God wanted to justify (*le-zakot*) Israel, therefore he enlarged for them Torah and Commandments. This is as Scripture states: 'The Lord is pleased for the sake...' (Isaiah 42:21)

The rendition, "God wanted to justify (*le-zakot*) Israel therefore he enlarged for them Torah and Commandments," is meant to be an earnest paraphrase of Isaiah 42:21. Rabbi Obadiah of Bertinoro, in his Mishnah commentary at the end of tractate *Makkot*, affirms the seriousness of this restatement. He remarks that "for the sake of his righteousness (*tzidko*)" (Is. 42:21) literally means to "make Israel righteous (vindicate them); namely to justify them (*le-zakot otan*)," just as the Rabbis in the Mishnah rendered it.³³

³³ Professor James Kugel of Harvard University has told me in private communication he considers this "midrash" to be a style of translation into rabbinic Hebrew.

This is the precise paraphrase of *Targum Isaiah* 42:21 (1949): *le-zaka'utei yisra'el; ye-tabe'i le-avdi oray'lei* ("to justify Israel He increased the workers of His Law"). A variant reading gives us "the works of his law." A Qumran document (4QMMT) refers to "some of the works of the law," and it may simply be that *Targum Isaiah* utilizes a well known phrase.⁴¹ However, given the paucity of references to "works of the law" in Targum and rabbinic literature, there is likely more at stake in this reference to "works of the law." At any rate whether one reads "workers" or "works" the intent is to stress commandments of deed.

We observe in these renderings of *Isaiah* 42:21 a plausible contact with, and refutation of, ideas known from the Pauline epistles and rehearsed many times by Churchmen. *Romans* 3:28 claims that faith justifies people and not the law at all. A few verses later, *Romans* 4:2-3, Paul elaborates on this theme by noting Abraham (*Genesis* 15:6) was said to be justified by faith and *not by works*. Likewise Paul says (*Galatians* 2:10) that man is *not justified by works* but by faith in Jesus Christ. Pursuant to this (*Galatians* 3:6), Paul refers to Abraham being justified by faith. Paul favors this understanding of *Genesis* 15:6 since the verse does refer to belief and says it was (reckoned) tantamount to "righteousness;" that is, Paul assumes *Genesis* 15:6 refers to Abraham's righteousness. Hebrew *TZDA*, righteousness, is usually rendered in LXX and New Testament by forms of Greek *dikaiosis*. The Greek and Hebrew equivalence allows for Paul's observation in Greek that God justifies the heathen, those devoid of commandments, in *faith*. Paul switches the probable referent of righteousness or justification (*Targum*: *zaka* which mirrors LXX *dikaiosis*) in *Genesis* 15:6 from God (as some major Jewish commentators do while most do not) to the human Abraham. Now the Septuagint to LXX *Isaiah* 42:21 understands the referent of righteousness to be God, ("He will be justified") and this is likely *Isaiah*'s intention but the Rabbis have taken the referent to be human Israel ("for the sake of justifying Israel He gave them many laws"). The Mishnaic and Targumic renderings seem fixed at laboring the issue to refute Pauline ideas. Justification is through the law and not by faith alone.

When we consider the rabbinic *Targum* to *Isaiah* and its restatement in *Mishnah Makkot* in view of Christian contexts, we are struck by the impression that the last two *mishnayot* in *Makkot* (showing that

⁴¹ See Dunn (1992) 99-117.

God justifies—*yizkeh lo*—the one who avoids “theft and adultery” and justifies their children until the end of time) address sectarian attacks on the Judaism of the sages. Early Christians were concerned with some ethical laws (yet disregarded most, if not all, ritual laws) of the Bible. Early Christians specifically mentioned the sins of theft and adultery as Pliny noted in his letter to Trajan concerning Christians.

The ending of Mishnah *Makkot* seems to have borrowed an original, polemical piece of rhetoric once used by sages (in disputations) to argue that the ritual laws are easy for people to obey and that by giving the Torah with so many ritual laws (*torah*) and ethical injunctions (*mitzvot*) God was assuring the eternal justification of Israel. The Rabbis stressed that the abundance of Torah laws and prolific commandments is a great blessing. For them it was none other than Isaiah, the beloved prophet of Gospel prolexts, who announces that salvation is through “works of the Law.” One exceptional Christian document, Epistle of James 2:20-24, argued that Abraham (Genesis 15:6) was said to be justified by faith *only* when it was to be established by *actual works*. The justification mentioned in Genesis 15:6 referred to the physical demonstration of faith by the actual works in offering Isaac as a sacrifice in Genesis 22:16-17. Indeed this understanding is also implicit in Jewish commentaries (e.g. Nachmanides), which point to Genesis 15:5 and Genesis 22:17 which say Abraham’s reward for faith (Genesis 15:5-6) and his reward in works (Genesis 22:17) is the same reward: his progeny will be as many as the stars of the heavens. Thus the two verses should be combined. James’ retort to Pauline ideas of justification through faith rests on solid exegetical grounds. Undoubtedly, Luther was correct in asserting James represents the Jewish side of the debate of justification by faith alone or by faith through physical works. The earliest extant source for an exegesis combining Genesis 15:5-6 and Genesis 22:17 is in I Maccabees 2:51. Two centuries before the writing of James, it was recorded that the elderly Mattathias told his sons before he died, “Was not Abraham faithful (Genesis 15:6) when tested (Genesis 22:15-18), and it was reckoned unto him for righteousness (Genesis 15:6)?” The complex interpretation necessitating the combining of two verses which share a common theme (progeny as many as the stars) illustrates the antiquity of a form of interpretation the later Rabbis would term “hekesh” or “gezerah shava.”

The rabbinic re-statement of Isaiah seems to have migrated from

Makkot into the current liturgical practice to recite this final mishnah of *Makkot* whenever a mishnah of tractate *Avot* is read in public. Perhaps it was once recited (as in modern times) after public schooling sessions and it migrated into tractate *Makkot* as a natural ending for that section of Mishnah dealing with human and divine punishments. The re-presentation of Isaiah 42:21 shows that the Law, even with its severe sanctions, is a blessing and not a curse. At any rate, its message is a constant reminder to Jews that God loves Israel and that the Law is His instrument to vindicate Israel. If Jews did not refute Christian claims openly with this passage, they certainly said it to themselves in refutation of alien doctrines which disparged the law. Complicated exegesis is fine for scholarly debate. To instill conviction, clever exegesis cannot compare to the practical day-to-day intonation of a dogma placed in the mouth of Isaiah, the most messianic of all the prophets of Israel. The theme of works taking precedence over faith can be found elsewhere in rabbinic literature but it has been so artfully woven that its force is muted:

Rabbi Simai lectured—When Israel gave precedence to "We will do" over "We will mind" six-hundred thousand angels came to give each and every Israelite two crowns; the first for "we will do" the second for "we will mind"....

The author of this midrash, now found in Babylonian Talmud *Shabbat* 88a, claims that each Israelite on Mount Sinai was rewarded with two crowns¹¹ to correspond to the words "we will do" and "we will mind." These are the very words and the very order that Exodus 24:7 reports of the Israelites at Sinai. Whatever else one might choose to say about this story the stratagem turns about the precedence of works over cognizance although it is acknowledged both works and faith are necessary. For instance, to explain this enigmatic midrash the commentary, *Kitt Sofer* (the 19th century commentator, see Sofer, 1995 to Exodus 24:7), points out that the letters of the word "crown" (Hebrew *ktr*) can also refer to 620 in the Hebraic numeric system. There are 620 ($k+t+r$, $20+400+200$) words in the Ten Commandments. That the Israelites received two crowns (2×620) means they

¹¹ There are many variations of this theme in midrashic literature as noted by Yeshiv Eynayim to Babylonian Talmud *Shabbat* 88a but only in Talmud *Shabbat* do we find the theme of two crowns as opposed to swords or swords and crowns. It would seem this statement was the original and was later contaminated to fit other traditions of what ornaments were bestowed upon them at Sinai which they had to remove after the sin of the Golden Calf, some known from Targum.

had the reward of the Ten Commandments twice (2 X 620 words)—once for *doing* (we "will do"), once for their *faith* ("and we will mind"). And so whatever explanation has been given and will be given, one cannot avoid detecting a counter to the Christian idea that faith supersedes works since the cue that "we will do" took precedence over "we will mind" acts as the point of departure for the ancient lecture of Rabbi Simai.¹⁰

In conclusion, our examples point out that the appearance of post biblical Jewish traditions in Christian sources does not simply mean that Jewish teachings were borrowed but rather they were gems reset into a Christian bracelet to serve Christian purposes. To generalize: whenever one religion utilizes elements from another, the material, in its new setting, functions within the views of the receiver's faith and therefore the traditions cease to be what they were and only are what they have now become. To push these borrowings back and reset the original gems into their original host environment is sometimes possible, especially within the realm of Jewish and Christian studies.

¹⁰ Rabbi Joseph Baer Soloveitchik, the master talmudist in Vologhin in the 19th century, gives us a similar explanation in the introduction to the first volume of his *Bet Ha-Levi avotot on the Talmud* (1863-64). For him, "we will mind" represents the act of mind in Torah-Study which is a manifestation of faith in knowing Torah as equivalent to knowing God.



APPENDIX A

ON THE ANTIQUITY OF SOME RABBINIC IDEAS

Not only much narrative lore of the Rabbis can be found in ancient Jewish tradition from the Second Temple period but also legal portions of rabbinic literature, based on typical but peculiar methods of midrash, can sometimes be seen in our earliest known writings of biblical interpretation.¹ Here is but one poignant example of an antique discussion of the legal portion of the Bible found in Philo's works which resonates both with the earliest and the latest layers of talmudic literature. Philo is well aware of a near numberless amount of laws passed down orally as a complement to Mosaic written laws.²

In the *Hypothetica* 7.6 he characterizes them as "unwritten customs (*agraphun ethon*) and ordinances of the nation (i.e. oral law and fences of sages) or are contained in the laws themselves (i.e. *midrash halacha*)."³ The rules "contained in the laws" make up an in-between category of laws - those which can be hermeneutically deduced from written Scripture. Now in his *Special Laws* II; 129-132 Philo refers to the fact that Scripture (Numbers 27:8-11) gives a full written account of inheritance rules but deliberately omits mention of fathers inheriting their children's property.⁴ He explains that it is unsuitable for a divinely written work to mention any such ill-omened provisions because enemies curse their foes that their children should die before the parents and it would be indecorous for God to call such misfortunes to mind.⁵ But rather Scripture states the case of a father's brothers as the heirs of a nephew.

¹ As for homiletic material it has been noted that traditions recorded in late periods really does reflect, at times, very early traditions. There is an uncanny resemblance between *Maccabees* 14:27-8 and Mishnah Avot 1:2. Both speak of a certain Simeon's devotion to the down-trodden, to the justice of the Torah and to the Temple. Whether or not these Simeons are identical the fact remains that the traditional values extolled in one source are the values enumerated in the other. See Finkel (1964: 17 for references).

² Compare Josephus, *War* 1:5.2 and *Antiquities* 13:10.6 for the idea that Pharisees are experts in these traditions.

³ See Colson (1929-1941), Vol IX, 427 and see Wolfson (1948), 194.

⁴ See Hecht (1979), 1-55.

⁵ See Colson (1929-1941), Vol VII, 384-385 and compare with *On the Life of*

Philo tells us the uncles obviously inherit on account of the father's relationship with the son and not on their own account. This case of a remote relative is given since Scripture prefers to talk about natural cases where children predecease their parents. Yet from the remote case of the father's brothers, *a fortiori*¹⁶ Philo says, we understand that fathers inherit their children's property as if it were explicitly written. Thus, like the Rabbis, Philo considers legal midrashic interpretation to yield results synonymous to explicit written scriptures.

Babylonian Talmud *Babba Batra* 109a-b notes that the Mishnah began listing inheritance rules with the laws of fathers inheriting their children's property. In a layer of Talmud thought to come from the hands of late editors we are told how amazing it is to begin the laws of inheritance with the laws of fathers inheriting children's property. It is certainly an ill omen and furthermore Scripture omits the case and begins elsewhere. The Mishnah ought to have followed the plan of Scripture. Like Philo, the Talmud notes that the law of fathers inheriting children's property is an exegetical deduction from a biblical verse and not explicitly listed. This is the query of the Talmudic editors concerning the apparent audacity of the Mishnah to ignore humane concerns as Scripture had. It is of interest to note that the Talmud cites the *Sifre* passage to Numbers 27:8-11 which contains almost the same *a fortiori* argument as Philo does. The *Sifre* states the *a fortiori* argument in regards to the first case of Scripturc where brothers inherit their dead brother, while Philo argues the same thing from the second case since this one specifically mentions the father ("the brothers of the father"). In point of fact there is no difference between the two arguments except the one word "father" stated in Scripture. Otherwise Philo's words and the *Sifre's* words are virtually identical. The Talmud¹⁷ prefers to posit a general rule, not based on *a fortiori* arguments, and not be limited to the two or three cases of Scripture. Nevertheless, the Talmud notes that there are missing cases in Scripture's progression from case to case ("not in

Moses II, 242-245 Colson (1929-1941), Vol VI. In the latter source Philo again mentions that Scripture omitted the deplorable case of children pre-deceasing parents but Philo does not specifically use *hebreo proferat* ("all the more so"), reminiscent of Hebrew *al akar kama er-kana, qal ve-homes* as he does in *Special Laws*.

¹⁶ Where the father is alive, the father will certainly inherit his own son before his brothers would. The phrase *a fortiori* in Hebrew and Greek equivalents is common to Philo and the Rabbis of *Sifre Numbers* to Numbers 27:8-11.

¹⁷ Babylonian Talmud *Babba Batra* 109a.

direct order"). First the case of a living father inheriting his dead son is skipped and then the case of a living grandfather inheriting his dead grandson and son is skipped. As Nachmanides¹⁰ notes in his abridgment of the talmudic passage: Scripture prefers to speak openly of blessings and not tragedies. In this regard, the sentiment of Philo is literally reproduced.

It is as if these 2nd century Rabbis and the later talmudic editors, writing more than half a millennium after Philo, knew what Philo had said and that Philo knew what the Talmud would say. Philo, for his part, is careful to note that Scripture "being a divine document" omits this law, as if he surmised that in the oral law codes it would be permissible to state it outright as Philo proceeds to do. For their part the talmudic editors justify the Mishnah's explicit opening with the law of inheritance of fathers (of the property of their dead children) by noting the oral law is a precious interpretation of a scriptural passage and so the teacher of this mishnaic section thought it deserved the prominence of first place in his oral law code although they are well aware that Scripture has omitted the case. We can construct an inner dialogue between Philo and the Rabbis through the medium of *Sifra Numbers* (1917), composed about a century after Philo.

¹⁰ Commentary to the Torah, Numbers 27:9.



APPENDIX B

HEBREW ORIGINAL SOURCES FOR SOME TEXTS
CITED IN PART III

טפחת לא תחפז רם גולני לאלתון ליטען סטן. רם גולני טפחת אלתון קינסבורג צוילס לא תגנבה קינסבורג ז' און בטפלין בראן ווילס ווילס, פון אונטי הונטן דונלן בוי בונברג בלט שטריבר

זהו בסיס כל הבחן בכך שדריך בבראשית ר' זעירין פואר אמר לו מקר תילחות והך כל נידל בזיהה יד פקחן אסף ואלהת ליהע כביך
בכל נידל פלאן

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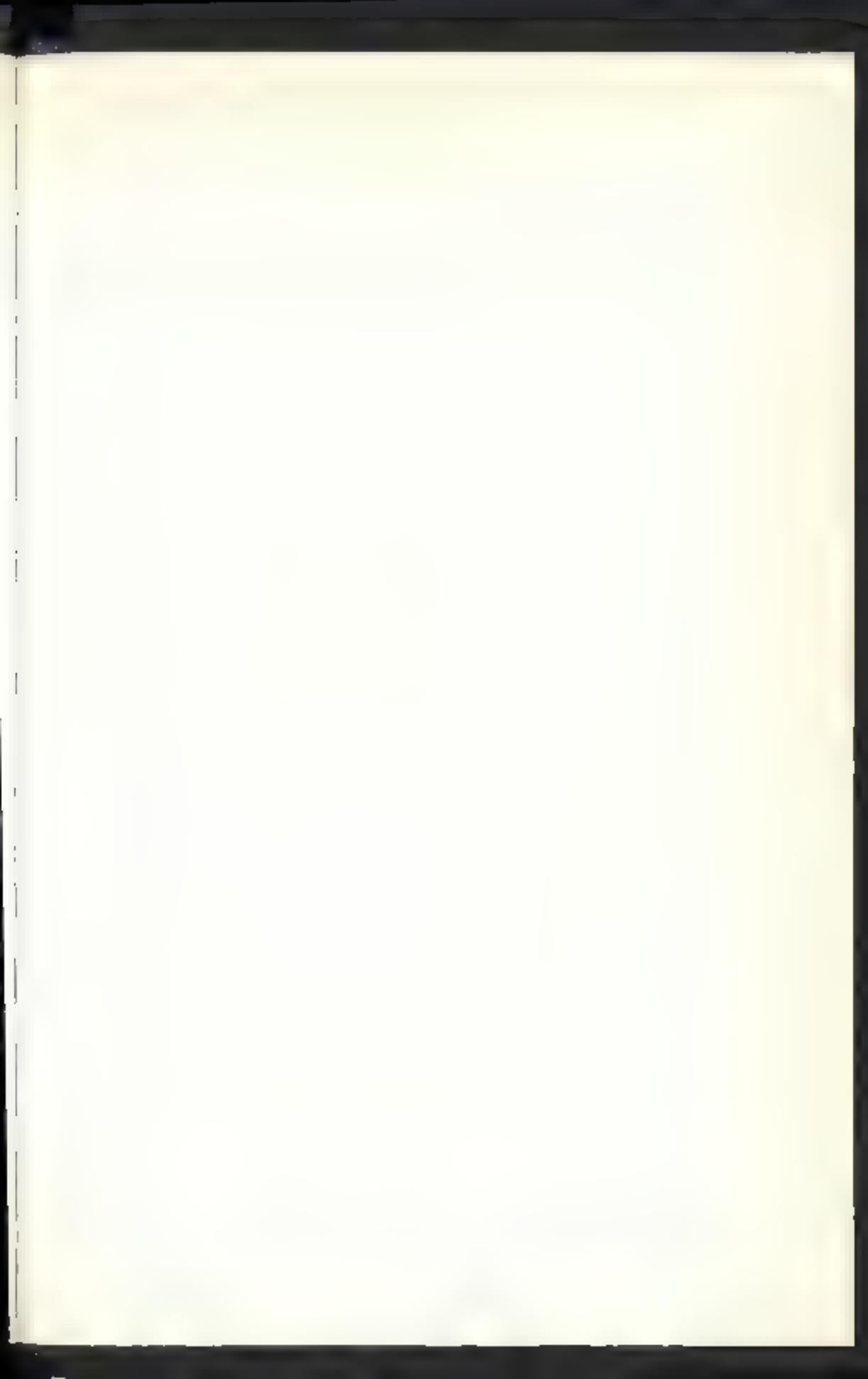
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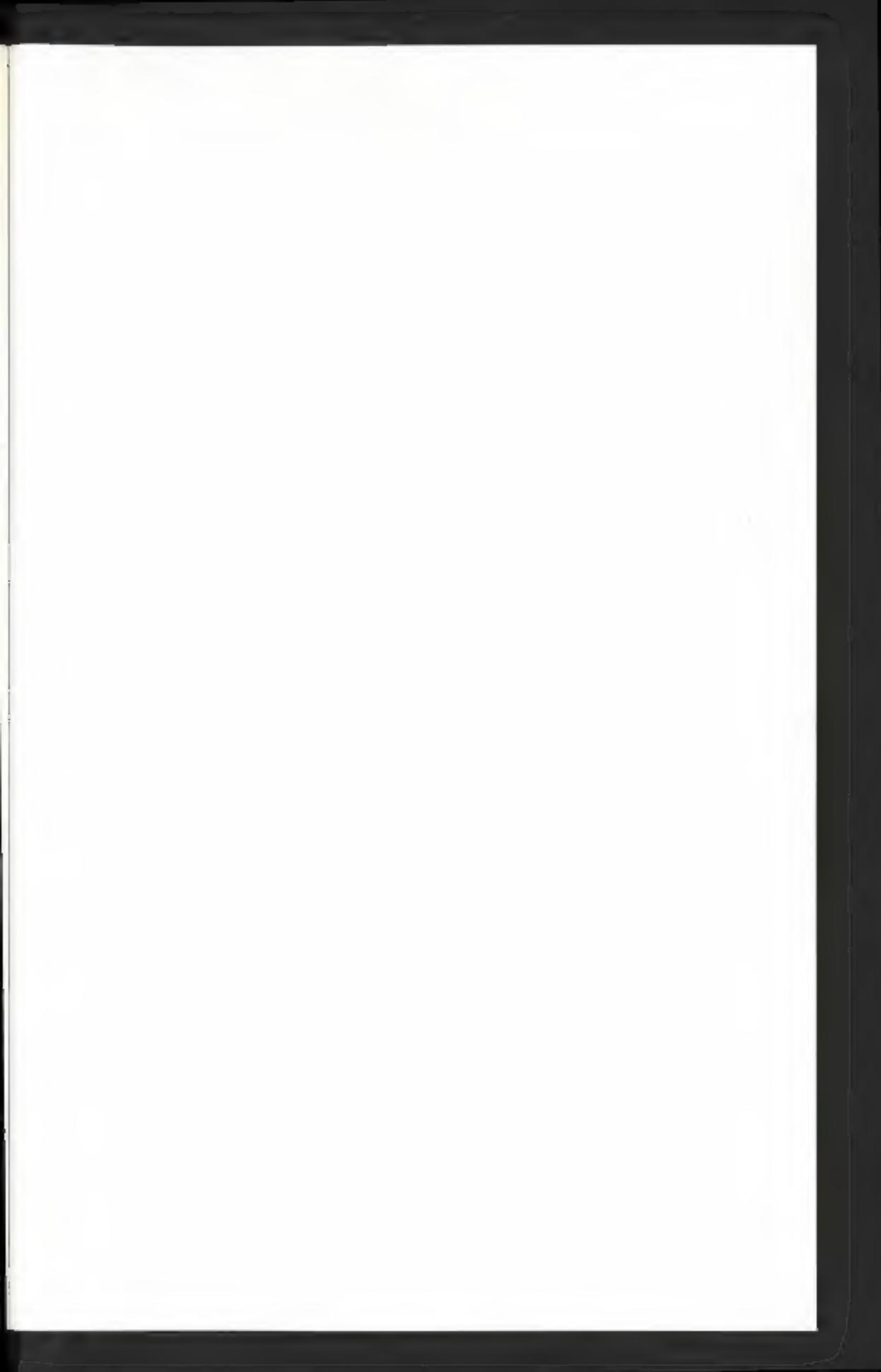














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Herbert W. Basser, Ph.D. (1983) in Religious Studies, University of Toronto, is Professor of Religion at Queen's University, Canada. His works, focussing on Jewish texts and the Jewish background of Christianity, include *Pseudo-Rabbi Commentary to Sifre Numbers* (Scholars Press, 1998).

ISBN 90-04-11848-9



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